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The Criminal
&
His Victim

Studies in the Sociobiology of Crime

By
Hans von Hentig

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Foreword

SOCIOLOGISTS look at the social conditions of crime, psychiatrists and criminal anthropologists for its physical determinants. There are, however, interstitial areas where social and constitutional forces enter into combination. Closely knit, they are hard to distinguish or analyze, and seem therefore to belong nowhere. As a result they are neglected by sociologists and biologists alike, though playing a not inconsiderable part in the natural history of the delinquent.

In discussing these composite causations—some of them until now scarcely studied—I have tried to pave the way for specific and adequate modes of treatment. Before we can develop methods which include the social as well as the medical side, we must realize the functional interplay of causative elements and their supplementary character, for they do not operate singly. That the victim is taken as one of the determinants, and that a nefarious symbiosis is often established between doer and sufferer, may seem paradoxical. The material gathered, however, indicates such a relation. If confirmed, these findings will point the way for new techniques of control and prevention.

Kansas City, Mo.
April, 1948.

HANS VON HENTIG

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Part I

Constitutional Factors and Crime

CHAPTER I

Physique and Criminal Behavior

1. Nature and Nurture in the Genesis of Social Conflicts

CRIME is the product of many interacting forces. A rough simplification may array them in two groups: first, a nucleus of assimilative and dissimilative energies, Healy's "dynamic center"¹—that total of hereditary syntheses we call the constitution; further, the sum of forces which tap, assail, repugn, and stir this organic matter—i.e., the milieu, divided between the physical environment we share with plants and animals and those rather unfinished surroundings created by man.

It would not be correct to suppose that such clear-cut groupings exist anywhere in nature. They are helpful in teaching and learning, but have as little place in the realm of realities as the equator. It is futile, therefore, to argue the causative predominance of constitution over environment or vice versa. Since crime is mostly the result of group conflicts and our endeavors to control group cohesion, the social etiology must prevail.

To stress the significance of hereditary traits is generally regarded as fatalistic; sound optimism and vital strength turn bravely to the social foundations of delinquency. We assume that constitutional factors are rigid and fixed. Society, by contrast, can change, evolve, move forward—society is yielding, clay in the wise potter's hand. But hereditary characters are not immutable, nor is group life exempt from hampering and immobilizing limitations. We must not forget, moreover, that what we call diatheses—predisposing traits or characters—are only reaction patterns waiting in readiness, dormant and unseen, to come into play when called upon by stimuli from outside. Little can be said of the physical or mental constitution of a sleeping man. During sleep or in unconsciousness the forces

1. William Healy, *The Individual Delinquent* (Boston, Little, Brown & Co., 1915), p. 22.

of environment are reduced to a monotonous minimum. It is the same with other forms of isolation and seclusion. It would be most difficult to form a judgment of the mental and emotional make-up of a hermit.

Zoologists therefore speak of "degrees of expression" in hereditary characteristics,² and this practically all-important "expression" may entirely depend on surrounding conditions. S. J. Holmes gives the following instance: "A variety of *Primula* . . . produces red flowers at ordinary temperatures. When raised at a high temperature, its flowers are white, resembling those of a white-flowered variety . . ." ³ Some strains in the human stock are loosely constituted. Whether this shows itself in the shape of physical ailments or mental disorders depends upon the fortuitous coming along of proper stimuli or the weakening of organic counterbalances through lack of food, exposure to cold or heat, mental shock, and so forth. We need not emphasize the fact that this "immutable" constitution of ours undergoes incessant changes in passing through the stages of growth and decline, whose wide course includes the narrower cycle in which the sex individuality is born, develops, and passes away long before total death intervenes. This more special phase is attended by physical and psychological revolutions which may blur the normal personality for a while.

These are bodily characters; mental traits are infinitely more complex. Living matter is sensitive and brittle and evolution tends to encase it in protective coatings, deadening the immediate effect of incoming stimuli. The skin is the best instance of this ingenious mechanism which separates living substance from environmental noxae. Nature, however, goes beyond that simple mechanical device; she has developed a most efficient system of repelling and neutralizing external dangers: the brain, which may be considered an adaptational contrivance to escape or overcome the onset of hostile surrounding forces. In contrast to the relatively fixed protection of skin and membranes, this organ has a high degree of plasticity. We store recollections, we make experiments, we "learn," we throw counter-motives into the balance of urges and proclivities. We tame

2. S. J. Holmes, *Human Genetics and Its Social Import* (New York, McGraw-Hill Book Company, 1936), p. 61.

3. *Idem*, pp. 61-62.

and domesticate our inborn nature by a second, acquired nature,⁴ and soften to some degree the relative rigidity of constitutional elements by means of the wide range of reactions of which the human brain is capable.

There are few patterns of environment, on the other hand, which do not display ingredients closely correlated with our constitutional nature. If the physical environment becomes hard to bear—if climate becomes pernicious or food and chances of propagation scarce—man resorts to migration. So do all animals. We know that the readiness to move from country to city, from land to land and continent to continent varies among individuals, peoples, and races. Vocation and religiosity are also strongly related to innate predilection. Countless individual elements enter into the formation of the social environment. When violent emotions seize the masses, as in wars and revolutions, they entrap and submerge mores, laws, and the most time-honored institutions. Propaganda emanating from the fertile brain of an individual may evolve into a powerful milieu factor.

No such thing as a chemically pure pattern of environment, independent of human traits, is to be found.⁵ The broken family, for example, is of course mainly a sociological issue, yet everyone agrees that the family group shattered by death, divorce, desertion, or discord involves grave problems of individual inadequacy. The wife, friend, or neighbor confronts us in the sociological cloak of marriage, friendship, or neighborhood; but these abstractions cannot conceal the fact that behind the screen of generalization personal traits and attributes are at work. There is the situation of "illegitimacy" that troubles the social worker; it is to a considerable extent the result of specific characteristics of the father and mother. And does not even the victim of crime often help the perpetrator to shape the particular pattern of influencing and entrapping forces?

Having duly noted the mixed, composite character of both constitutional and environmental forces, how shall we proceed?

4. There is a probability that some acquired characteristics are passed on to subsequent generations.

5. Inversely, powerful organic trends are affected by environmental, especially nutritional, forces. Physical maturity and decline depend on food. Reproduction is directly influenced by temperatures, food supply, length of daylight period, and other environmental conditions.

Shall it be by setting forth the causative elements of crime and then selecting those which lend themselves to human control? To know facts and relationships is useful, but many causations cannot be dealt with, or not as yet. Others are manageable. Our attention, for practical reasons, must be focused upon the controllable conditions of criminal behavior. These, regardless of their relative weight in the final combination we call the criminal act, may be met with on the side of the constitution or of the environment.

The criminologist who tries to reach behind the façade of a criminal act for its causal antecedents is thus plunged at once into two different worlds. It is hard to avoid a certain arbitrariness in carving out the spheres of constitutional and environmental forces, respectively. Yet the perplexity of this Janus-head, requiring a dual approach, cannot be solved by overlooking or minimizing one component. Both sides must be given a fair deal.

The sociologist is thus tempted to look fixedly at the immense range of social or semisocial causations which operate before our very eyes and seem to invite human planning and integration. What man has made can, he thinks, be remade by man. In their understandable "isolationism" sociologists enjoy a great actual advantage. The bulk of visible and seizable criminality—at least 80% of it—is predominantly society-made. To neglect the physical side of criminal behavior would be a mistake; this can be and is done, however, without irreparable practical results. Yet no attempt could be made to control crime without reshaping the environment. Our main, in fact, sole corrective therapy at present consists in the application of an artificial environment to the lawbreaker. This is the prison, effective for the duration of detention and producing, of course, only a meager and short-lived result.

The sociological approach to crime presupposes a working hypothesis that all men are equal, or at least, if they tried hard and honestly, could act as if they were. If the immense variability of human beings were introduced into the question, crime would appear much more complex, inexplicable, and vexatious, its solutions still looming in the distance.

The psychiatrist and criminal anthropologist, on the other

hand, tend to limit their interest to that bundle of innate traits and tendencies we like to call the perpetrator of a crime, although careful study may degrade him to a mere insignificant point of intersection of powerful external trends, leaving nothing of his criminal structure but the average law-abiding man. There is a dire underestimation among psychiatrists and physical anthropologists of the omnipresence and pressure of social forces, which test most unequally the resistance of the physical and mental constitution. Also to be considered is the pernicious phenomenon of cumulative effects, which should be studied in sociology as they are in psychology, where the summation of stimuli is a well-known issue.

The sociologist minimizes the individual delinquent; the criminal anthropologist suffers from a deep-rooted, rather superstitious respect for the achievements of social control—this is, perhaps, a form of wishful regret and the compensatory effect of seeing so much physical deficiency. The expert biologist—not unlike some sociologists—often exhibits carelessness in handling statistical figures. Lombroso's data, for instance, are in a number of cases hastily scraped together and inconclusive. Some scholars with biological background are inclined to look at the few poor specimens they meet in prisons or clinics as true representatives of the genus "criminal"; they refuse to believe that their material is highly selective, and from faulty premises arrive at wrong conclusions.

In studying the causes of crime, for practical reasons sociology must have priority.⁶ Not because it tells the whole story but because it prepares the student for the harder task of looking with critical eyes and all the censorious reserve of a sociologically trained mind at the manifold problems of constitutional factors. Interaction of forces can be studied only if they are first isolated, so far as isolation is possible, and separately set forth. Torn from one and the same phenomenon, they seek mental reunion in the imagination of the student and give him a stereoscopic picture not too far from reality.

Speaking of constitution and physique, it will be vain to ask for relationships between single bodily symptoms—a specific

6. For more detailed discussion of this point see the author's *Crime: Causes and Conditions* (New York, McGraw-Hill Book Company, 1947).

bone or muscle or membrane—and behavior. Only syndromes, that is, a plurality of characters, will warrant investigation.⁷ These need not be pathological. Before proceeding to the very intricate interrelations of tuberculosis, heart disease, diabetes, cancer, and other internal ailments with crime, we should turn our attention to the many variations in appearance and function which constitute handicaps, or may become handicaps, but do not put the individual to bed and thereby out of circulation. Two wars within a generation have given the problem urgency. Physical handicap has become a mass phenomenon to which the increased production of mechanical weapons has added other casualties in very great number. It is true, on the other hand, that the machine age and the assembly line have done much to reduce the social disadvantages of a physical defect.

The approach of this volume thus differs greatly from the physical determinism of Lombroso and his successors. I shall not venture to assert direct relationships between physique and crime. What I see are tendencies, but whether the dormant possibility grows into reality, becomes an act, depends on countless inhibitory mechanisms and equally countless constellations of environmental forces. The born criminal is a provocative formulation, a criminological myth, but there are a certain number of individuals whose strong propensities, under weakened control, tempting circumstances, or pressing conditions, may easily lead to an antisocial act, which the law may or may not declare to be criminal. What I shall discuss under the heading of constitutional factors will be selected physical conditions and their social implications—delinquency in some cases, highest achievement in others. I am indeed aware that this is only an attempt and a beginning.

2. Criminal Anthropology—Not Yet a Science

On the 12th of January, 1902, a little girl of six, living at Turin, suddenly disappeared. Two months later, the corpse was discovered hidden in a case in a cellar of the very house the little victim had inhabited. It bore traces of criminal violence Various persons were arrested, among them a coachman named Tosetti,

7. Such large syndromes are the constitution-types which Kretschmer tried to relate to patterns of temperament in his book, *Physique and Character* (London, 1926).

who had been seen joking and playing with the child on several occasions.⁸

The following was the result of the anthropological examination:

Tosetti was of honest extraction, his grandparents and parents having died at an advanced age (between sixty and ninety) without having manifested nervous anomalies, vices, or crimes. Tosetti himself, although fond of drinking, was rarely, if ever, intoxicated, and was an individual of quiet, peaceful aspect with a benevolent smile and serenity of look and countenance. His hair had become grey at an early age, and he was devoid of any degenerate characteristics except excessive maxillary development. . . . The sensibility was . . . almost normal without any trace of left-handedness. Analysis of urine—absence of earthy phosphates common to born criminals. . . .

Psychologically, Tosetti appeared to be a man of average or perhaps slightly less than average intelligence. He was quiet, very respectful, not to say servile, entirely devoid of impulsiveness of any form, and averse to quarrels, on which account he was rather despised by his companions. His natural affections were normal, and he was a good son and brother; he was excessively timid and disconcerted by the slightest reproof from his employer. He was rather fond of wine, though not of liquors. His sexual instincts he had lost very early, a fact which caused his companions to indulge in many jokes at his expense. His stinginess bordered on avarice, and he had never changed his trade.

During his trial he showed no resentment against anyone, not even the police and warders . . .

The examination proved beyond a doubt that Tosetti was not a born criminal, and was incapable of committing the action of which he was suspected . . .⁹

8. *Criminal Man According to the Classification of Cesare Lombroso*, briefly summarized by Gina Lombroso Ferrero (New York and London, G. P. Putnam's Sons, 1911), pp. 262-263.

9. *Idem*, pp. 263-264. Some of the symptoms reported are, on the contrary, consistent with a delinquent of this type. However, a few months after Lombroso diagnosed this case an assault of a similar nature was committed on another little girl in the same house. This time the victim was not killed and pointed out the perpetrator, an imbecile, "afflicted with goitre, stammering, strabismus, hydrocephaly . . . with arms of disproportionate length, the son and grandson of drunkards, who confessed the double crime . . ." *Idem*, p. 265.

In the quoting of Lombroso his theories come to life. The eminent scholar in making post-mortem examinations of notorious criminals found certain anatomical anomalies of skull and brain. "At the sight of that skull," his daughter reports him as saying after a post-mortem,

"I seemed to see all at once, standing out clearly illumined as in a vast plain under a flaming sky, the problem of the nature of the criminal, who reproduces in civilised times characteristics, not only of primitive savages, but of still lower types as far back as the *carnivora*."

Thus was explained the origin of the enormous jaws, strong canines, prominent zygomæ,¹⁰ and strongly developed orbital arches¹¹ which he had so frequently remarked in criminals, for these peculiarities are common to carnivores and savages, who tear and devour raw flesh. Thus also it was easy to understand why the span of the arms in criminals so often exceeds the height, for this is a characteristic of apes, whose fore-limbs are used in walking and climbing. The other anomalies exhibited by criminals—the scanty beard as opposed to the general hairiness of the body, prehensile foot, diminished number of lines in the palm of the hand, cheek-pouches, enormous development of the middle incisors and frequent absence of the lateral ones, flattened nose and angular or sugar-loaf form of the skull, common to criminals and apes; the excessive size of the orbits,¹² which, combined with the hooked nose, so often imparts to criminals the aspect of birds of prey, the projection of the lower part of the face and jaws (prognathism): . . . all these characteristics pointed to one conclusion, the atavistic origin of the criminal, who reproduces physical, psychic, and functional qualities of remote ancestors.¹³

Lombroso in the course of his studies supplemented his system by adding the epileptic criminal¹⁴ and the criminaloid.¹⁵ In the criminaloid, according to this classification, physical and psychic anomalies are reduced but differ from those of born

10. Cheekbones.

11. Carved upper edge of the eye orbit.

12. Eye sockets.

13. Lombroso Ferrero, *op. cit.*, pp. 6-8.

14. Cesare Lombroso, *Crime: Its Causes and Remedies*, Henry P. Horton, tr. (Boston, Little, Brown & Co., 1918), pp. 369-372.

15. Lombroso Ferrero, *op. cit.*, pp. 100-110.

criminals "in degree, not in kind."¹⁶ Through long sojourn in prison they may become habitual criminals and "can no longer be distinguished from born criminals except by the slighter character of their physical marks of criminality."¹⁷ "Still less different from born criminals are those latent criminals, high in power, whom society venerates as its chiefs."¹⁸ Their congenital criminality is camouflaged by their success and the broad scope of their influence upon the lives of others, whether for good or ill.

The born criminal according to Lombroso contributes to the sum total of criminality by 33%. The criminaloids amount to about 50%; the rest are epileptic, hysterical, or inebriate lunatics.¹⁹ Before entering into a critical examination of this theory it may be instructive to present a few criminal types as depicted by Lombroso. Here they are:

Thieves commonly show great mobility of the face and hands. Their eyes are small, shifty and obliquely placed, and glance rapidly from one object to another. The eyebrows are bushy and close together, the nose twisted or flattened, beard scanty, hair not particularly abundant, forehead small and receding, and the ears standing out from the head. Projecting ears are common also to sexual offenders, who have glittering eyes, delicate physiognomy excepting the jaws, which are strongly developed, thick lips, swollen eyelids, abundant hair, and hoarse voices. They are often slight in build and humpbacked, sometimes half impotent and half insane, with malformation of the nose and reproductive organs. They frequently suffer from hernia and goitre and commit their first offences at an advanced age.

The eyes of murderers are cold, glassy, immovable, and blood-shot, the nose aquiline, and always voluminous, the hair curly, abundant, and black. Strong jaws, long ears, broad cheek-bones, scanty beard, strongly developed canines, thin lips, frequent nystagmus and contractions on one side of the face, which bare the canines in a kind of menacing grin, are other characteristics of the assassin.

16. Lombroso, *op. cit.*, p. 374.

17. *Ibid.*

18. *Idem*, p. 375. *

19. Lombroso Ferrero, *op. cit.*, 100-101.

Forgers and swindlers wear a singular, stereotyped expression of amiability on their pale faces, which appear incapable of blushing and assume only a more pallid hue under the stress of any emotion. They have small eyes, twisted and large noses, become bald and grey-haired at an early age, and often possess faces of a feminine cast.²⁰

The murderer, we are told, is marked by scanty beard, abundant and black hair. The swindlers become bald at an early age. What are we to expect, then, if swindlers, as happens not seldom in the course of their career, finally resort to murder? How shall we recognize scanty beard in nations that shave? ²¹ The cold and glassy eye of the murderer would be a perfect protection if generally met; in reality many murderers look rather pleasant. "The preacher," says a report of a vicious murderer, "then about 35 years old, was a handsome and upstanding figure of a man, who looked at the world with reposed and pleasant eyes. He was a good looking fellow and one, moreover, whose pale, spiritual face suggested anything but the killer or libertine."²²

Lombroso has found a follower in the United States. E. A. Hooton as quoted by Kahn has this to say on first-degree murderers:

. . . [they] diverge significantly from total criminal population, in that they are older, heavier, taller, bigger chested, with greater head circumference, narrower foreheads, longer and relatively narrower noses, broader jaws, broader ears, relatively narrower shoulders, relatively shorter trunks, relatively longer heads, less head hair, more body hair, straighter hair, more pronounced forehead slope, more convex noses, fewer and poorer teeth, both flatter and projecting ears and less facial symmetry.²³

20. *Idem*, pp. 243-245.

21. Hans Kurella found among murderers 40% without beard, 30% with very scanty, and 30% with scant beard. *Naturgeschichte des Verbrechers* (Stuttgart, 1893), p. 87. His sources were pictures taken of murderers in the years 1883-92 and kept in the files of the Berlin Police Department. How can such material be reliable—the prisoners having presumably shaved either shortly before the picture was taken, or some days earlier, or not at all?

22. Edward H. Smith, *Famous Poison Mysteries* (New York, The Dial Press, 1927), p. 287.

23. Samuel Kahn, *Sing Sing Criminals* (Philadelphia, Dorrance & Co., 1936), p. 119.

Hooton proceeds from the incorrect assumption that there is something like a homogeneous and carefully selected group: the first-degree murderers. All experts will agree that the classification is erratic and futile, in many cases not one of gravity of crime but reflecting the conclusiveness of evidence and other uncertain factors. Even in law the distinction is most elusive.²⁴ The atrociousness of the homicide has little to do with the classification.²⁵ The killing of police officers, often in situations which come psychologically close to self-defense, is always regarded as first-degree murder. Killing in the commission of, or attempt to commit, burglary and other felonies may be a not at all premeditated act.

To prove how futile the distinctions between first and second degree often are and what role is played by chance we need but listen to former Warden Lawes of Sing Sing, who reports the following cases. A prisoner sentenced to die for shooting the owner of a gasoline station appealed, won the appeal, was granted a new trial, and was acquitted, after having refused a plea to manslaughter.

Unfortunately, this man's success gave a few inmates rash ideas . . . Larry, who had been sentenced to die for the murder of his daughter, was granted a new trial and also given a chance to plead guilty to a lesser offense. Inspired by the triumph of his ex-pal, Larry, too, rejected the prosecutor's compromise and insisted upon taking the battle to court. But his defense was less successful; he was found guilty a second time and again sentenced to death. Nine months later, the man who could have been serving ten years for manslaughter, died in the chair.

Somewhat similar to Larry's case was that of Fred. This inmate, indicted for murder in the first degree, was found guilty of murder in the second degree and he received a term of from twenty years to life. Being snatched from the chair apparently did not satisfy Fred, because he appealed the case and won a new trial on a mere

24. "This last rule makes it difficult in practice to distinguish between first degree murder and second degree . . ." John Wilder May, *May's Law of Crimes*, rewritten and revised by Kenneth C. Sears and Henry Weihofen (4th ed. Boston, Little, Brown & Co., 1938), p. 270.

25. The ratio of all dispositions under pleas to lesser offense (as compared to convictions for murder) was 43% in New York City in a recent year. See *Crime in New York City in 1942, Report of the Citizens Committee on the Control of Crime in New York* (New York, 1942), p. 19.

technicality. The second time he was found guilty of murder in the first degree and received the death penalty.²⁶

All these men were first- or second-degree murderers by their own well- or ill-considered moves. But this cannot be the way "types" come into being.

In his study on homicide in Massachusetts A. W. Stearns has the following to say:

Little significance is to be attached to the crimes for which they [the homicides] were committed, for while nearly all are indicted for a more serious offence than it is supposed they committed, the administrative exigencies of the district attorney's office frequently result in a barter by which a plea is accepted, for a less serious crime than is known to have been committed. To illustrate: Case 19 went into a store, shot down the proprietor, and robbed him, an aggravated case of first degree murder, yet a plea of second degree murder was accepted. Case 40 planned for several days to kill his rival, finally lay in wait for him and killed him, yet a plea of manslaughter was accepted. . . . So, little notion of the underlying motive can be gained from the degree of murder for which they were convicted.²⁷

Of 100 cases of homicide studied in Massachusetts (1919-23) 58 were convicted for manslaughter, 39 for murder in the second degree, and 3 for first-degree murder.²⁸ Countless cases of conviction for the latter crime are known in which provocation was obvious²⁹ or other facts make premeditation doubtful.

26. Lewis E. Lawes, *Meet the Murderer!* (New York, Harper & Bros., 1940), pp. 168-169.

27. Albert Warren Stearns, "Homicide in Massachusetts," *American Journal of Psychiatry*, April, 1925, p. 732.

28. *Ibid.*

29. An instance of this sort was the murder case of Harry French in California in 1937. See Joseph Catton, *Behind the Scenes of Murder* (New York, W. W. Norton & Co., 1940), pp. 121-142. Superintendent Florence Monahan also has told the following story of one of her inmates, a colored woman:

"Helen, resting on a cot in her second-floor flat one afternoon, while her small son played in the street, had heard a child's cries. Recognizing her adored son's voice, she rushed to the window; a large negro youth was twisting her son's arm.

" 'Stop that, you big bully!' she yelled. He looked up, laughed and went on with his teasing. In a fury she grabbed her husband's gun from a table, ran

First-degree murderers are therefore a heterogeneous group which cannot be used for scientific purposes without careful further reduction.

According to Lombroso the born criminal lacks natural affection and moral sense, has no remorse, is treacherous, vain, impulsive, vindictive, and cruel; he is fond of orgies, gambling, and an idle life. All these rigid categories overlook the social ambivalence of general human traits.³⁰ In sorting out psychological categories—a practice in itself not without value—the technical side of legal distinctions is not taken into account. For a variety of reasons the law may give a different classification to exactly the same psychological types—the amoral, the remorseless, the vain, the gambler, the idle, etc.—stamping the one a “criminal” and letting the other go unmolested.³¹

The question of remorse has been oversimplified. Confession and remorse are not the same thing. Many of the weak-minded confess from vanity and lack of moral feeling. “Nobody but an imbecile,” writes Goddard, “would have confessed under those circumstances . . . They [the imbeciles] do not always confess, it is true. It seems to depend largely upon how proud they

down the rickety stairs and shot the youth, who ran a zigzag course down the street before he fell dead. Helen was unaware of what she had done; like a jungle animal, her instinct to protect her young had been aroused . . . Helen lacked the money to hire a good lawyer, who might have pleaded extenuating circumstances. As it was she was tried by jury, convicted of murder in the first degree, and sentenced to life imprisonment. . . .” *Women in Crime* (New York, Ives Washburn, 1941), pp. 50-51.

30. “Pugnacity, which is one of the manifestations of self-preservation, keeps men out of trouble as well as getting them in. Acquisitiveness, another manifestation of the instinct of self-preservation, may make a man either a bank robber or a bank president. . . . The instinct of propagation of the species is so strong that it is only through a combination of circumstances that a large number of normal men and women are not prosecuted for violation of the Mann Act. . . . Chronic alcoholism, supposed to be one of the chief causes of criminal acts, exists to a large extent among men who have never come in conflict with the law.” Joseph G. Wilson and M. J. Pescor, *Problems in Prison Psychiatry* (Caxton Printers, Caldwell, Idaho, 1939), pp. 66-67.

31. Wilson and Pescor have stressed (*idem*, p. 71) the technical variation and the common psychological basis: “Although there are many habitual criminals who specialize in using the mails to defraud, there are many others who have been convicted for this offense who are not essentially different in their psychological make-up from the average candidate for public office. The promises of oversanguine inventors, mining-stock promoters, and a large number of brokers are of the same timber as those of the candidates for congress or for governor who secure votes on the strength of promises they can never fulfill.”

are of their deeds—and frequently the more atrocious these are, the prouder they are of them.”³² We learn from Dr. East that confession is much more frequent in insane than in sane murderers.³³ A confession or plea of guilty is also often a business proposition to the state to allow a lighter legal classification and permit escape from the worst consequences of the crime. In other cases a confession is clear evidence of lack of moral feeling.³⁴

The most violent and sincere repentance, on the other hand, does not prevent many people from committing the same mistake again. The road to hell is paved with good intentions. Remorselessness cannot be denied some symptomatic significance, but the confession must also be carefully examined for underlying motives. And a multitude of completely remorseless people never come into open conflict with the law.

3. Physique and Social Controllers

In the Bible 12 blemishes are enumerated which disqualified a priest from officiating.³⁵ Subsequently other bodily defects were added of which the later Talmudists mention no less than 142.³⁶ In addition to the personal handicaps of a high priest the contagious effect of the wife was remembered; he was not permitted to marry a woman of immoral character, a sickly or

32. Henry Herbert Goddard, *The Criminal Imbecile* (New York, The Macmillan Company, 1915), p. 16.

33. “. . . of the sane murderers, 48 per cent., and of the insane, 65 per cent., confessed that they had committed the crime.” William Norwood East, *Medical Aspects of Crime* (London, J. and A. Churchill, Ltd., 1936), p. 370. Of course the urge to confess depends on the type of murder, which differs as between sane and insane individuals. “Sixteen per cent. of the sane and 29 per cent. of the insane homicides killed their wives.” *Ibid.*

34. Louis Charles Douthwaite remarks of the confession of Mme. de Brinvilliers that it is written “with a frankness of revelation that is in itself the sign-manual of moral insensibility. . . .” *Mass Murder* (New York, Henry Holt & Co., 1929), p. 8.

35. Lev. 21:18-21. Among those mentioned are “a blind man, or a lame, or he that hath a flat nose, or anything superfluous, or a man that is brokenfooted, or brokenhanded, or crookbackt, or a dwarf, or that hath a blemish in his eye, or be scurvy, or scabbed, or hath his stones broken . . .”

36. J. Pohle, “Priesthood,” *Catholic Encyclopedia* (New York, Robert Appleton Company, 1911), XII, 411. The age limit, too—20-50 for a priest—was a restriction on a physical basis.

divorced woman, or a widow.³⁷ A Roman priest also had to possess a physique free from infirmities,³⁸ and the same rules apply to the Catholic priest to this day.

The reasons for excluding the physically handicapped individual from the highest religious offices cannot have been of magic origin only; there must have been some more rational motive. Perhaps it was at first pseudorational, since all peoples have had the idea that physical defect and punishment for some sort of wrong—committed perhaps by an ancestor—were somehow connected. In addition, experience had taught mankind that the physically disabled may be great artists, eminent statesmen, or military leaders, but have seldom been balanced judges of man and his manifold failures. That is why a member of the highest Jewish court, the Sanhedrin, aside from other requirements³⁹ had to be "physically well built, of imposing figure and without a blemish on his body."⁴⁰

How much has a rational basis and how much is pure superstition in all these beliefs? In former times and even more recent periods, physical handicaps and disfigurements have been explained automatically as celestial acts of punishment.⁴¹ With progressing knowledge little is left of this once deeply rooted credence. Yet how far has science advanced—has it been able to replace mere aversion⁴² by complete information in the causative realm? It appears not. Dr. Stanley saw in San Quentin

37. J. Köberle, "Priest, Priesthood," *The New Schaff-Herzog Encyclopedia of Religious Knowledge* (New York, Funk and Wagnalls Company, 1911), IX, 251.

38. Gordon T. Laing, "Priest, Priesthood," *Encyclopaedia of Religion and Ethics*, James Hastings, ed. (New York, Charles Scribner's Sons, 1919), X, 326.

39. He should not be a very old man, a eunuch, or one who had no children. Julius H. Greenstone, "Judge," *The Jewish Encyclopedia* (New York, Funk and Wagnalls Company, 1904), VII, 376.

40. Stains were regarded in former times not only as something offensive but as the result of offenses. See the author's remarks in his paper, "Aus der Geschichte des Zuchthauses Hüfingen," *Monatsschrift für Kriminalpsychologie und Strafrechtsreform*, 1933, p. 293.

41. In the anathema pronounced by the Archbishop Nikephoros of Greece against the followers of the liberal Venizelos this curse is found: ". . . that they might become deaf and blind." Constantine Panunzio, *Major Social Institutions* (New York, The Macmillan Company, 1939), p. 464.

42. See the story of the check-passer who came to San Quentin because he had a birthmark. Leo Stanley, *Men at Their Worst* (New York, D. Appleton-Century, 1940), pp. 91-92.

men "who are the very image of Calvin Coolidge, and others who could pass for Lloyd George, Clemenceau, and Thomas Dewey."⁴³ He saw a man come into the penitentiary who bore the name of Leo Stanley and had more than a slight resemblance to himself.⁴⁴ He tells the story of how he, prison doctor of long experience, on a train trip confused the matron with the female offender she was bringing to prison.⁴⁵ Guardians of law and order have had mental and physical defects while convicts were bright, attractive, and personable.

Nevertheless, it seems to be well established that an accumulation of serious physical defects may be associated with disorders of the nervous system on a common basis. Much depends obviously on the underlying causative trends, but a handicap may itself retroactively affect the mind as a profound trauma, although it may equally well stimulate it to highest achievement.

Twelve per cent of the prisoners confined in San Quentin when Dr. Stanley wrote his book were cripples—or rather, classified as cripples.⁴⁶ One cannot but agree with him that these individuals "carry overweight in the struggle for existence." One must agree also with his recognition of the mental effects;⁴⁷ no anodyne has been discovered to alleviate these sufferings. Society aggravates them and even our compassion makes them worse.

43. *Idem*, p. 314.

44. *Ibid.*

45. "Once, returning by train to San Quentin, I learned a matron was on board with a new woman prisoner. I introduced myself and we spent the trip in delightful conversation. I had never met a matron more refined and well-spoken. Talking with her, I covertly studied the prisoner. She was low-browed, loud-voiced, and glowering. I wondered as to the nature of her crime and decided she might be capable of anything . . . Only upon arrival at the prison did I learn the refined one was the prisoner." *Idem*, pp. 314-315.

46. *Idem*, p. 65.

47. "With a physical handicap that constantly irritates and humiliates, causing pain and distress and interfering with normal efficiency as well as one's human pride, it can easily be seen how readily can be lowered such a man's resistance to crime." *Ibid.*

CHAPTER II

Birth and Life-span

1. *Parents—Very Old and Very Young*

IN EUROPEAN countries disapproval attaches to the union of an old woman to a young man; the popular judgment is much more lenient where an old man and a young girl are concerned.¹ In Germany in 1933, for example, about 1% of all marrying males were 60 years old and above; the female rate was only 0.13.² Healy writes, "There seems to be good evidence that a child born of a mother long after she has had other children, and after she had begun her involutional period may be physically or mentally defective."³ He met only one case in which old age on the part of the father seems to have figured as handicapping the child.

Marro, Havelock Ellis relates, gave some attention to the age of fathers at the time of conception.⁴ He divided them into three age groups, the first embracing those 25 years and under, the immature fathers; then the period of maturity, 26–40 years of age; while fathers 41 and over belong to the period of "decadence." A chart reproduced by Ellis shows the results. Criminals in general showed a higher rate of decadent fathers and slightly higher rate of immature ones. Murderers, the insane, and confidence men had an especially high proportion of aged fathers. Normal middle group fathers contributed most to the class of sex offenders, very young fathers to the category of thieves and to the insane. The age problem is complicated by a possible large disparity in the age of father and mother. According to Dr. Langdon Down, who checked over 1,000 cases at Ellis'

1. "Old man and young wife, better than old woman and young man." Karl J. Simrock, *Deutsche Sprichwörter* (Frankfurt a. M., 1881), p. 13.

2. Computed from figures in the *Statistisches Jahrbuch für das Deutsche Reich*, 1935, p. 39.

3. *The Individual Delinquent*, p. 206.

4. Havelock Ellis, *The Criminal* (3d ed. London, Walter Scott Publishing Co. Ltd., 1907), pp. 93–94.

request, the disparity of age is a factor in the production of idiocy.⁵

In a Hungarian study by Korosi reported by Ellis the children of old fathers and young mothers are found to be generally of strong constitution.⁶ This is not confirmed by the British proverb;⁷ there are, however, many proverbial sayings on the Continent to the effect that such unions are especially prolific.⁸ The whole problem has apparently to be broken down into three different issues: age of the father,⁹ age of the mother, and disparity of age in both. The individual factor is not to be neglected, and this element is somewhat selective since only vital old men will venture to marry or remarry young women. Our knowledge is still fragmentary.

It would be wrong not to take into account man's very old experience in the field of animal husbandry. Through the desire for early profits, early mating plays a larger role in the considerations of the breeder than late rearing.¹⁰ "Sows bred too young will remain not only underdeveloped, but small litters of weak pigs will result."¹¹

5. *Idem*, p. 94.

6. *Idem*, p. 96.

7. "The offspring of those that are very old or very young, lasts not." G. L. Apperson, *English Proverbs and Proverbial Phrases. A Historical Dictionary* (New York, E. P. Dutton & Co., 1929), p. 462.

8. "Junge Frau und alter Mann, Kinder bis zum Dach hinan." ("Young wife and old husband fill the house with children to the roof.") "Marito vecchio, moglie giovane, fanciulli certi." ("Old husband and young wife are sure to have children.")

9. The father of Talleyrand married at sixteen a girl of twenty-two. At the birth of his second son, the famous crippled Talleyrand, he was nineteen, and thus eighteen years old when the boy with the club-foot was conceived. Georges Lacour-Gayet, *Talleyrand* (Paris, Payot, 1928), I, 13-15.

10. Speaking of domestic animals, Frederick R. Marshall says: "When continued in service after the beginning of physical decline there is also a decline in the character of their progeny. . . ." *Breeding Farm Animals* (Chicago, The Breeder's Gazette [1911]), p. 91. Marshall justly lays more stress on actual vigor than on the number of years.

11. Merritt W. Harper, *Manual of Farm Animals* (New York, The Macmillan Company, 1911), p. 492. Harper brings up an interesting issue which is omitted in sociology: the detrimental effect on the breeding parents. "In some cases it is perfectly safe to breed a two-year-old filly, and in many cases it is far from safe and positively detrimental to both the young mare and her offspring." *Idem*, p. 103. ". . . the yearling ewe should not be bred, as the drain on her system weakens her condition and leaves her an easy prey to parasitic infection. Furthermore, if breeding the yearling is persisted in, it will lessen the size of the ewe." *Idem*, p. 407.

There has been a steady increase in the number of young people married at the ages 15-19.¹² Thompson and Whelpton have pointed out the connection between early marriage and the spread of contraceptive information.¹³ "It seems reasonable to believe," they write, "that young people, knowing that marriage does not necessarily involve continence, parenthood, or abortion, are more ready to marry than they would be were they reasonably certain they would have children born at regular and frequent intervals if they do not practice continence or abortion."¹⁴

The authors do not consider the significance of early marriage from the biological point of view. There is, however, a double physical task to be solved by the young newly married: the physiological adjustment and the task of protection and support. Innumerable girls marry to get out of offices and plants and to acquire a breadwinner; this means that from then on the man must support both himself and his wife. It may be noted that in Jewish antiquity a social device severed this heavy duality of biological stress and economic burden. By ancient Jewish law the age at which a man should marry was fixed at 18. The regular age for beginning to make an independent living was set at two years later. The economic age of maturity could be delayed because the bridegroom lived in the house of the bride's father during the first years of the marriage.¹⁵ Some of the mother-in-law taboos may have originated in this custom-ordered proximity. It seems a wise rule, since it alleviated for a short time the combined burden of having children and taking care of a plurality of hungry mouths.

2. Prenatal Conditions

Physical as well as mental injuries of the pregnant mother do not stop short with the maternal organism. They are passed along to the growing parasite called the child. Malnutrition, excessive worry, brutal beatings, traumata by accidents, grave

12. Warren S. Thompson and P. K. Whelpton, *Population Trends in the United States* (New York, McGraw-Hill Book Company, 1933), p. 203.

13. *Idem*, p. 226.

14. *Ibid.* But, the authors add, "the improvement in general economic conditions between the latter part of the 1890's and 1930 should not be overlooked as a factor in earlier marriage." *Idem*, p. 227.

15. Abraham Cohen, *Ancient Jewish Proverbs* (London, 1911), p. 44.

and persistent apprehensions, all affect the maternal metabolism out of which the growing child draws the materials of his "assemblage." How far this causation goes is difficult to say, since individual factors of resistance intervene and obscure the picture.

Some forms of psychosis are believed to derive from toxemic changes, or are known to do so; as in eclampsia, where we have the double effect of conveying poisons to the embryo and of a conduct which does not provide proper care for the mother or the future child.¹⁶ Alcoholism and morphinism during pregnancy act in the same direction. Some germs, such as the *Spirochæta pallida* causing syphilis, infect the unborn child, as do toxic substances produced by bacterial attacks (contagious diseases) and poisons introduced into the system by decaying bacteria, as well as the counterattack of the organism against other toxins. Hard work continued to the last weeks of pregnancy is often detrimental.

Difficult labor requires instrumental help, often serious to the skull of the child. We shall touch upon the question of cerebral birth trauma in discussing twinning; it is my belief that the problem of premature birth frequently met in twins has not received the attention from students which it deserves. The prematurely born child is an unfinished being who often remains physically and mentally immature. The "baby-faced" criminals of the crime saga are such unfinished types.¹⁷ One cause of this persistent developmental unripeness is premature birth.

We need only look at the picture of Nelson, author of *Prison Days and Nights*; or read the book of Mark Benney, who describes his mother, a prostitute, as "child-like";¹⁸ or that of James Spenser, who is called "baby-faced" himself by other members of the underworld,¹⁹ to understand what physical and mental immaturity mean. It appears that the intellect may be unimpaired, as in many seven-months children, but their er-

16. Healy, *op. cit.*, p. 203.

17. "Richeson, though now about twenty-four years old, still showed some adolescent traits. In fact, he looked five years younger than his true age when he was seized for murder and the reporters set him down as twenty-nine when he was actually thirty-five." Smith, *Famous Poison Mysteries*, p. 292.

18. Mark Benney [Henry Ernest Degras], *Low Company* (London, Peter Davies, 1936), p. 18.

19. *Limey Breaks In* (London, Longmans, Green & Co., 1934), p. 97.

ratic way of life may indicate their incompleteness. Of the murderer Hickman we hear that he was born six weeks prematurely. The mother was in labor for 36 hours. According to the father he was born black and was given up for dead.²⁰

Goddard tells us that premature births and the use of instruments at birth are seldom the cause of feeble-mindedness; that poor stock is the main reason for this factor, since many children prematurely born and instrumentally delivered are perfectly normal.²¹ His distinction is tenable; from the point of view of prevention, however, the incorrect use of instruments and premature birth itself can be more easily prevented than poor stock. Since the trauma results from the concurrence of both conditions, the warding off of one causative element might well alter the undesirable result of feeble-mindedness and delinquency.²²

That a seven-months child, given adequate conditions in other respects, may capably fulfill a historic role proves only that physical defects need not impair a man's social capacity or value to his country. Churchill was prematurely born,²³ red-haired,²⁴ and lisped slightly;²⁵ he was the first-born. In spite of

20. Joseph Catton, *Behind the Scenes of Murder*, p. 106.

21. "When one thinks of the enormous number of premature births that do not result in defective children, the difficulties at birth, the partial strangulation, the shock, both mental and physical that mothers go through and yet the children born are perfectly normal, one cannot but conclude that the difference must lie in the differences in stocks themselves,—that a good stock can invariably withstand an immense amount of accident, while a poor stock requires only a slight shock to throw it over into the abnormal side." Henry Herbert Goddard, *Feeble-Mindedness: Its Causes and Consequences* (New York, The Macmillan Company, 1914), p. 450.

22. Goddard himself mentions among his material a case of premature birth. *Idem*, p. 332.

23. Churchill's parents married on April 15, 1874. On December 3, 1874, this birth notice appeared in the *London Times*: "On the 30th November at Blenheim Palace, the Lady Randolph Churchill, prematurely, of a son." R. Kraus, *Winston Churchill* (Philadelphia, J. B. Lippincott Company, 1940), p. 28.

24. Eva Moore, his dancing teacher at Brighton, thus describes him as a "small red-headed pupil, the naughtiest boy in the class. . . . He was cheeky in a specially annoying way, but smart." *Idem*, p. 29.

25. Of Churchill and his commander of the Fourth Hussars we learn: "The two were mysteriously linked, for Colonel Brabazon too had a lisp." *Idem*, p. 43. Churchill's American secretary reports that his lisp was so marked that it made certain words impossible to understand. Phyllis Moir, *I Was Winston Churchill's Private Secretary* (New York, Wilfred Funk, 1941), p. 36. When excited, he stutters. *Idem*, p. 148.

these possible handicaps he led his country through a tremendous crisis.

3. *The First-born*

An abundance of facts, for the most part scattered through the literature without system or perspective, has rather added to the confusion than to the clarification of the question: does order of birth have some effect on criminal tendencies, and if so, what is this consequence?

The problem has already engrossed the attention of psychiatrists. Kraepelin makes a statement that among idiots more than half are first-born.²⁶ Sutherland concludes that "it is now doubtful whether order of birth has any association with traits of personality or behavior."²⁷ It is probably unfortunate that most studies have been made with delinquent children.²⁸ In the case of both delinquent and normal children the size of the family has not yet come to a definite standstill. Moreover, delinquency in juveniles does not coincide with "criminal" tendencies. Running away from home may be a more normal reaction to an unbearable situation than passive submission. I have often found that miscarriages and stillbirths are not counted, being sometimes even unknown to the subjects interviewed.

Some recent studies have stressed the fact that "certain correlations exist between crime and personality and those factors of personality which result primarily from being, for example, an only child, or an eldest child."²⁹ Clemmer found that of his sample (975 unselected cases) 6.2% were only children, 19.1 were eldest children, and 15.5 were youngest children. The rest were "in between" siblings.³⁰ These figures may be compared with Healy's findings:

26. A. Ross Diefendorf, *Clinical Psychiatry*, abstracted and adapted from Kraepelin's *Lehrbuch der Psychiatrie* (New York, The Macmillan Company, 1921), p. 545.

27. Edwin H. Sutherland, *Principles of Criminology* (4th ed. Philadelphia, J. B. Lippincott Company, 1947), p. 167.

28. For a listing of such literature see *idem*, pp. 168-169.

29. Donald Clemmer, *The Prison Community* (Boston, Christopher Publishing House, 1940), p. 48.

30. *Idem*, p. 49.

Position in Family
105 of Each Group
(Per Cent)³¹

<i>Position in Family</i>	<i>Delinquents</i>	<i>Controls</i>
Eldest	25.7	15.2
Youngest	10.5	14.3
In between	63.8	70.5

Going down to broader psychological trends and forgetting for the moment the biosocial standard of "crime," the group with a higher rate of eldest exhibits "dynamic characteristics to an extent above the normal."³² Another trait in this first-child-loaded group is gregariousness.³³ In the ascendance-submission scale the delinquents presented a "desire to dominate, self-assertiveness, active resentfulness, all or any of which indicated the desire of the individual to control his environment."³⁴ The controls showed a much higher rate of submissive tendencies.³⁵

Investigating 275 inmates of Sing Sing, Kahn found a much higher percentage of first-born, as shown by this table:

Sing Sing Admissions (1929 and 1930)³⁶

<i>First Born</i>	<i>Frequency</i>	<i>Per Cent</i>
First born	98	35.6
Second born	60	21.8
Third born	36	13.1
Fourth born	25	9.1
Fifth born	15	5.5
Sixth to sixteenth born	16	5.8
Undetermined	25	9.1
Total	275	100.0

31. William Healy, *New Light on Delinquency and Its Treatment* (New Haven, Yale University Press, 1936), p. 73.

32. *Idem*, p. 63.

33. *Ibid.*

34. *Idem*, p. 64.

35. *Idem*, p. 65.

36. Kahn, *Sing Sing Criminals*, p. 41.

These figures would be most revealing if the number of "undetermined" were not relatively high and if, of the 275 admitted prisoners, 74 had not been foreign-born.³⁷ Assuming that the first-born showed a stronger tendency to migrate, this fact would affect our data on the first-born. The picture of crimes for which these 275 men were admitted is, moreover, predominantly one of violence.³⁸ No conviction for a confidence game was registered; forgery and receiving stolen goods amounted to only 5.8% of all admissions.³⁹ Sentence to a prison term in Sing Sing must be regarded as a highly selective process.

Yet for obvious reasons there must always be a high percentage of first-born in the normal population; no figures are of any use which have not been compared with some section of the law-abiding population, and this population must be a sector so far as possible from a human group similar in make-up as to age, race, social stratum, and so forth, since family size has an automatic effect on the percentage and varies greatly with such factors.⁴⁰ Kahn's Sing Sing data, for instance, include the high rate of 22.9% Negroes.⁴¹

37. *Idem*, p. 31.

38. Of all convictions, 66.3% were for robbery, burglary, assault, homicide, and rape (including attempts in all categories). Adding convictions for grand larceny with a high rate of pleas of guilty to lesser offense—that is, robbery or burglary—the rate mounts to 93.9. Computed from figures, *idem*, p. 59.

39. Computed from figures, *ibid*. The deficit in the realm of intellectual crime is manifest.

40. Recent figures from Germany are available, but they are restricted to a) births, and b) legitimate births. If, according to general belief, the mortality of the first-born is higher than that of later children, the proportion of first-born must be lower in a comparison within a static population, counted in "frozen state" at a certain date, than in a growing population at its starting point. Among legitimate children per 1,000 existing marriages in 1933 in 10 German states the ratio of order of birth was as follows:

first child	38.47
second child	25.09
third child	13.86
fourth or later child	21.37

Statistisches Jahrbuch . . . 1935, p. 42.

41. Kahn, *op. cit.*, p. 28. In addition Kahn notes a Cuban, an American Indian, an Indian Black, a Japanese, a mulatto, a Mexican, a Puerto Rican, a Russian Jew, and 20 Jews. Of all admissions, 33.4% are of another race, a condition which is certainly different from the normal population.

By adding the illegitimate children (more than 10% of all births in Germany in 1933; 4.02% in the United States in 1937, with 1.7 among white and 20.3 among Negroes) the rate of first-born would be increased.

The possible reasons for tendencies in the first-born which may lead to misconduct have been sought both in biological and in social complications. Sutherland has mentioned the greater difficulty of the birth process and the greater sexual immaturity of the parents.⁴² He has not forgotten to add the potential pressure of social factors: undeveloped skill of parents in training the child, oversolicitude of parents, and so forth. There are proverbs which pass over the first child to speak well of the younger.⁴³

The only child is a special problem. It is the first-born (except where qualified by previous miscarriage or stillbirth), and in addition incurs the risk of a peculiar, apparently detrimental situation of upbringing and injury by parental oversolicitude. I present the findings of an author who concluded: "The majority of only children were . . . treated much the same as oldest, youngest, and middle children by their parents . . ." ⁴⁴

Amount of Attention Given the Child by Mother⁴⁵
(Per Cent)

Boys

	<i>Only</i>	<i>Oldest</i>	<i>Youngest</i>	<i>Middle</i>
Very great deal	55.0	40.9	38.9	39.4
Good deal	36.9	39.4	39.4	31.3
Average	6.6	17.7	18.7	23.7
Little	1.0	2.0	3.0	5.6
Very little or none	0.5	—	—	—

Girls

	<i>Only</i>	<i>Oldest</i>	<i>Youngest</i>	<i>Middle</i>
Very great deal	66.8	47.1	40.3	35.2
Good deal	24.4	34.8	35.3	32.9
Average	7.7	15.6	21.1	29.0
Little	0.8	1.9	3.0	3.8
Very little or none	0.3	0.6	0.3	1.1

42. *Op. cit.*, p. 167.

43. "The younger brother hath the more wit." "The younger brother the better gentleman." Apperson, *op. cit.*, p. 720.

44. William Paul Carter, *The Only Child in the Family* (University of Chicago dissertation, 1940), p. 43.

45. *Idem*, p. 12.

Adding the first two categories of attention for the only child and the middle child we arrive at the following picture:

Much Attention Given by Mothers
(Per Cent)

	<i>Only Child</i>	<i>Middle Child</i>
To boys	91.0	70.7
To girls	91.2	68.1

The author's stand to the contrary, one can scarcely deny that this considerable diversity of protection and attention given by the mother must affect the child in body and soul.

In looking for causative factors the experiences of animal husbandry have been neglected,⁴⁶ as we saw in the case of early mating; so also have the manifold findings of history, ethnology, and religious tradition.⁴⁷ In all these fields the problem of the first-born was discovered and wrestled with long before receiving attention from social science.

One possible cause of handicapping for this group may operate to increase and decrease delinquency at the same time. It seems well established that the first-born is of more delicate

46. Breeders have known for a long time that first litters are smaller in number and poorer in quality, as expressed by the reduced market price; the maternal organism appears to be biochemically not yet adapted at the first birth. Compare the case reported by Sheldon and Eleanor T. Glueck, in their *Five Hundred Delinquent Women* (New York, Alfred A. Knopf, 1934), p. 39, where a similar problem is touched upon: "Before the birth of Grace her mother had had three miscarriages, followed by an operation in which one of her ovaries was removed. Grace's father was told by the doctors that his wife could bear no more children. The birth of Grace followed within a year, however." She was mentally retarded and became a delinquent.

47. "... early Jahwism admitted the possibility and even, in principle, the obligation of sacrificing children to the God of Israel." Adolphe Lods, *Israel from Its Beginnings to the Middle of the Eighth Century* (New York, Alfred A. Knopf, 1932), p. 286. In early times this had to be the first-born. See Exod. 22:29—"Thou shalt not delay to offer the first of thy ripe fruits, and of thy liquors: the firstborn of thy sons shalt thou give unto me." See also Mic. 6:7. Since Semitic peoples sacrificed their prisoners of rank it seems likely that the first-born was regarded as the most valuable gift. On the pre-Mosaic ceremony antedating the Passover, as the day on which the first-born of the flock was sacrificed, see Lods, *op. cit.*, p. 292 ff. Again, when the King of Moab saw that he would be defeated, "he took his eldest son that should have reigned in his stead, and offered him for a burnt offering upon the wall." II Kings 3:27. This war magic forced Israel to retreat.

health than later children. Pearson's figures can have but one meaning:

Health by Order of Birth ⁴⁸ Sheffield. Health at First Visit [of the Investigator]									
Order of Birth	1	2	3-4	5-6	7-8	9-10	11-12	13 and Over	Total Cases
Delicacy Rate									
Boys	12.7	9.5	10.2	6.5	8.7	9.8	9.2	18.5	2,327
Girls	10.1	6.5	5.9	6.8	7.3	8.4	6.1	19.4	2,095

This constitutional weakness, however, leads to a higher mortality. The first-born met in life are a selective residue, as is shown by the following table:

Stillbirths and Deaths in First Year. Professional and Upper Classes ⁴⁹						
	First	Second	Third	Fourth to Sixth	Seventh and Over	
Stillbirths per 1,000						
1,000 born alive	40.0	20.0	15.5	17.4	20.9	
Deaths in first year per 1,000 born alive	82.2	70.0	69.0	78.3	97.4	

Regardless of this early removal of first-born children from the world of the living it seems clear that the first-born, and perhaps the second-born too, stand in greater danger of becoming delinquent than later children.⁵⁰ All comparisons should take

48. Karl Pearson, *On the Handicapping of the First-Born* (Chicago, University of Chicago Press, 1914), p. 22.

49. *Idem*, p. 21.

50. Charles Goring comes to the conclusion that "elder members of a family, especially the first and second, are liable to become criminal at a greater rate than are the younger members." *The English Convict. A Statistical Study* (London, H. M. Stationery Office, 1913), pp. 279-280. Subsequent references are to the abridged edition of this work.

into account the fact that the ratio of first-born differs very greatly in the social stratification because of the difference in family size. Pearson's figures are certainly convincing.⁵¹

It is probable that there are proportionately more first-born among peasants than in the urban population, since—in European countries at least—the oldest takes the farm in hand while the younger boys enter the civil service, the army and navy, or some industrial occupation. The world wars of the last 40 years have contributed to an increasing number of first-born in a special way, in that millions of war marriages have been concluded in great haste under war conditions. A child is presently born. If the father is killed in battle and the wife does not remarry, this first-born child is left—an only child, a semi-orphan—to grow up on war rations, in underground shelters, often without supervision, in an atmosphere of technically perfected jungle life. In the case of mothers who decide to marry again, there will still be a first-born—a stepchild, underfed physically and morally—but the unusual number of first-born will at least be diluted by such marriages and competitive companionship round off the sharpest corners in the personalities of some first children.

War increases the number of illegitimate births. Of 100 live births (in the 45 states covered by the figures) 4.1 were illegitimate in the years 1938 and 1939. By 1944 the rate had more than doubled. Nearly all illegitimate children are first-born. Here again the number of first-born is raised by the conditions of war; it is true that many unmarried mothers marry later, but the handicaps of the illegitimate or foster or adopted child, or stepchild, are added to the first-born status and to the emotional and moral intricacies of wartime and the postwar period.

Finally, an economic factor cannot be barred from our consideration. When Jack London made his social polar expedition into the East End of London he met an observing Cockney who told him:

51. He reports (*op. cit.*, p. 12) that in families approaching completion the number of first-born per thousand living children was:

For professionals in Scotland 218

For Scottish miners 137

The mean size of family (number of children) was 4.59 for professionals, 7.30 for miners.

"Whenever you come along in the East End and see a child of from eight to twelve, good-sized, well-developed, and healthy-looking, just you ask, and you will find that it is the youngest in the family, or at least is one of the younger.

"The way of it is this: the older children starve more than the younger ones. By the time the younger comes along, the older ones are starting to work, and there is more money coming in, and more food to go around."⁵²

Birth control, of course, will more and more tend to preclude the coming into operation of this belated economic improvement.

4. *Twin Birth*

Twins—either identical or fraternal (monozygotic or dizygotic)—have been for quite a time the testing ground of the student trying to discover the reciprocal weight of hereditary and environmental influences. Sir Francis Galton as early as 1883 pointed out the opportunity latent in the life history of twins to distinguish the strength of tendencies received at birth or imposed by the milieu.⁵³ In many of the later studies it was forgotten that from conception on twins share the forces of milieu and heredity.⁵⁴ Heredity, of course, means transmitted tendencies, in this case the same body-bound trends, only "shuffled" and growing up differently amid the suppression and release of seesawing forces.

We are not concerned with this aspect. Ours is another problem, broader and larger: a comparison not of twin with twin but of twins with the normal population. In writing of idiots Kraepelin says that 4 to 5% are twins,⁵⁵ and Wildenskov quotes from Pflieger's Berlin figures, "Twins were more common among mental defectives than among the normal inhabitants."⁵⁶ According to the German census of 1933, 4.2% of all children born

52. Jack London, *The People of the Abyss* (New York, The Macmillan Company, 1903), p. 290.

53. Galton was the coiner of the term "eugenics."

54. For studies of twins see Abraham Myerson and others, *Eugenical Sterilization* (New York, The Macmillan Company, 1936), pp. 202-203.

55. Diefendorf, *op. cit.*, p. 545.

56. H. O. Wildenskov, *Investigations into the Causes of Mental Deficiency* (Copenhagen, 1934), p. 4.

were twins.⁵⁷ DeLee has estimated that twins occur in one out of 87 births⁵⁸—that is, 2.3% of all children born, which is far off German figures. In comparing the twin with the general population the mortality data should not be disregarded; the ratio of living delinquents to births in each group may differ, thus changing the nature of the percentages used for contrast. The delinquency of twins not having been as yet compared with that of the normal population,⁵⁹ one cannot assert that twin birth may be a causative factor. The studies on mental defectives, however tend to point in this direction.

There is an explanation for the weakness, if this appears, of one or both twins. Twinning presents the most condensed form of the problem of living space. H. H. Newman writes:

The human uterus is of the simplex or undivided type and is adapted for the really satisfactory gestation of but one fetus at a time. When two or more fetuses come to occupy the space usually filled by one, the twins . . . crowd each other and compete for the common food supply. In the case of two-egg twins it probably often happens that one egg reaches the region of attachment first and tends to occupy the available area to the complete or partial exclusion of the other.⁶⁰

In one-egg twins the regressive trend is manifest: they originate by doubling and bipartition of a fecundated egg-cell. This is, as it were, a most unusual case of vegetative generation in

57. Computed from *Statistisches Jahrbuch . . . 1935*, p. 41. Of a total of 12,712 twin births, representing a five-year average (1928-33):

33.5% were two boys

30.9 " " two girls

35.6 " " a boy and a girl.

58. Quoted by Myerson, *op. cit.*, p. 157. He adds, "It is probable that the rates vary considerably among different races and at different times." One may add, as tending to create variation in the rate, the mores of different social groups and the extent of the practice of birth control and abortion.

59. Some authors arrive at the subtle distinction of criminalism, criminality, and behavior difficulties in children. Criminality is incidental maladjustment, criminalism "a strong and persistent constitutional tendency" shown under conditions of average difficulty or strain. *Idem*, p. 167, referring to the studies of Rosanoff, Handy, and Plesset.

60. H. H. Newman, *The Physiology of Twinning* (Chicago, Chicago University Press, 1923), p. 138.

61. Hermann Werner Siemens, *Zwillingspathologie* (Berlin, Julius Springer, 1924), p. 3.

Healy has pointed out what he calls "nutritional crowding" among twins, one being left physically smaller through having suffered from the nutritional dominance of the other.⁶² If the twins are first children the intricacies of life for the first-born here show up in two ways. Both twins are first-born in relation to the rest of the family and are therefore subject to the handicap of this condition. Yet of the pair, also, one is always born before the other, often without difficulty, whereas the second has frequently to be delivered by instruments.⁶³ Some weakness or awkward position may be the cause of his being late. A birth trauma may be added when artificial help has to bring him to the light. Many twins, in addition to crowding during pregnancy, are born prematurely, suffering from prolonged labor or instrumental interference.⁶⁴ A combination of twinning and first birth appears to be more inauspicious than the situation of later-born twins.⁶⁵

It is most instructive to go into the parental background of twins who become delinquent, as for instance in the case of early death of a parent.⁶⁶ In addition to possible trauma due to the exigencies of delivery, there may be another trauma suffered by the mother, who sometimes does not cease to resent the pains inflicted upon her by the double birth.⁶⁷ The shock of a mother

62. Healy, *The Individual Delinquent*, pp. 206-207.

63. "... the control was born first and without instruments, the delinquent was delivered by instruments during a difficult labor . . ."

"... the pregnancy was unwelcome to the mother. The control was born first with normal labor and an hour or two later with a very difficult instrumental delivery the future delinquent came into the world. The latter weighed only two and a half pounds, could not nurse at the breast, but on bottle feeding thrived fairly well. The control weighed five pounds, took the breast easily, and was nursed until he was fourteen months old." Healy and Bronner, *op. cit.*, pp. 95, 116.

64. For cases of twins born prematurely see Aaron J. Rosanoff, Leva M. Handy, and Isabel Rosanoff Plesset, *The Etiology of Child Behavior Difficulties . . . with Special Reference to Their Occurrence in Twins* (Psychiatric Monographs, State of California Department of Institutions, 1941), pp. 103, 112, 118. On the subject in general see also p. 165.

65. "Inasmuch as labor is, as a rule, more prolonged and more difficult in primiparae . . . we may expect to find the incidence of any given syndrome produced by cerebral birth trauma to be higher among first-born than among later-born subjects." *Idem*, p. 165.

66. For cases in which the father died early see *idem*, pp. 23, 48, 52, 56, 131, 132, 139, 153, 154. For early death of mother see cases on pp. 18, 57, 69, 75, 120, 132, 154, 160, 162.

67. Healy and Bronner, *op. cit.*, p. 107: "The mother . . . had a miserable time during pregnancy. She told us the boy who later became the delinquent

who did not want a child and is surprised by two of them is obvious. The unwanted child is already a problem; when two arrive there may be hatred. Among poor people the economic side cannot be overlooked. The labor and preceding endocrine reversal also put a more powerful strain on a woman in twin birth than with a normal pregnancy. What French psychiatrists used to call *la folie émotive des accouchées*—what we call “melancholic raptus”—may occasionally endanger the life of the children.⁶⁸ Florence Monahan has reported a case in which twins were killed by the mother immediately after birth.⁶⁹

Twins may produce matrimonial discord. Any potential prejudice against them, largely concealed in a happy marriage, may burst forth where friction exists and more or less justified ideas of jealousy flare up. Of all children twins are the most likely to be disowned. “I am sure I am not the father of the twins,” exclaims an angry father. “They were born on the twentieth day of the seventh month after we were married. The doctor told me that they were full-term babies. . . . I think it was the landlord.”⁷⁰

The twin situation has in itself three elements of interest for our study. There is, first, the self-consciousness of a being who is born a twin and feels embarrassed in one way or another by this conspicuous fact. Why do many children “not like to be twins”?⁷¹ There seems to be a much more competitive and comparative relationship between twins than between sibs of different ages. Each may be neglected or favored by father or

was almost in her throat stifling her, but how she knew which twin it was we cannot surmise.” Of another case: “The mother cried bitterly when the second baby came, saying that she had wanted no more children and here she had two.” *Idem*, p. 113. Again: “. . . the mother had quite given up the idea that she would ever have any more children. Their father did not want any progeny and the pregnancy was unwelcome to the mother. *Idem*, p. 116.

68. See ample literature of cases in Richard von Krafft-Ebing's *Lehrbuch der gerichtlichen Psychopathologie* (Stuttgart, 1892), pp. 383-389.

69. “. . . she crawled out into the howling wind and buried them in the snow; they were not found until after the spring thaw.” Monahan, *Women in Crime*, p. 53.

70. Harriet R. Mowrer, *Personality Adjustment and Domestic Discord* (New York, American Book Company, 1935), p. 168. The often pathological character of the suspicion is demonstrated by another case, in which the husband related of his wife, “Eleven years ago I found her one day tying up the milkman's head. He had his arms around her. The next child that was born had a cocky eye just like the milkman.” *Idem*, p. 167.

71. Healy and Bronner, *op. cit.*, p. 109.

mother or an older brother or sister. There is a typical jealousy of twins.⁷² As with other children, family events may intensify or diminish the force of given elements in the original relationships. A stepmother may create a new complication; the death of father or mother may simplify the situation. The surviving mother, if disappointed in a second husband, may concentrate all her instincts of solicitude on her twin children,⁷³ and the twins, having a hateful stepfather, may be pushed to forming a common front with their mother. Or vice versa.

A second factor thus emerges, in the relationship of one twin to the other, which has been insufficiently studied in both psychic and physical aspects. Close investigation shows in some twins what is called antisymmetry: one presents strabismus of the left, the other of the right eye,⁷⁴ or one is right-handed, the other left-handed.⁷⁵ Psychologically, twins are apt to be either inseparable—the born gang⁷⁶—or definitely, often violently, antagonistic; indeed, the murder of Remus by Romulus, although mythical, may be the reflection of real experiences.

The similarity in appearance also renders identification difficult.⁷⁷ Rosanoff mentions twins who usually worked together in delinquent projects and used their identical appearance to establish alibis for each other.⁷⁸ More unusual are instances of "common" paternity. "Paternity," writes Rosanoff of such a case, "could not be proved . . . the girl had had other 'boy friends,' and as between the two twins, it could not be ascertained which might have been the father, as they both had been involved."⁷⁹

72. For cases of such "sibling jealousy" see *idem*, pp. 100, 102, 109.

73. "Not having a husband that she could love she gave much of herself to the twins, perhaps somewhat overdoing the protective attitude." *Idem*, p. 118.

74. Siemens, *op. cit.*, p. 59. Darwin's point, the well-known pointed ear form, was found in one twin on the right, in the other on the left ear. Is this some sort of partition effect, the token of a "split origin"?

75. Healy and Bronner, *op. cit.*, p. 103; Rosanoff, Handy, and Plesset, *op. cit.*, pp. 11, 18, 31, 34, 58, 87; Siemens, *op. cit.*, pp. 12, 64. Sometimes, however, both twins are left-handed.

76. Rosanoff et al., *op. cit.*, p. 34.

77. See the case in J. Kenneth Ferrier's *Crooks and Crime* (London, 1928), pp. 275-277.

78. Rosanoff, et al., *loc. cit.*

79. *Idem*, pp. 18-19. Many primitive tribes believe that twins result from intercourse with two men and are therefore portentously significant. When a noted shyster lawyer was accused of bribing jurors he retaliated with the contention that a prominent newspaper publisher wanted to destroy him because

There is finally the problem of the twin and society. There is little information on the serious criminality of twins. The heavy mortality may reduce the potential amount of crime. It is possible that we must distinguish between the dominant and the undergrown twin. There is, for instance, a popular belief that of two twin sisters one is always sterile.⁸⁰ Newman has discussed the topic from a scientific angle:

A popular impression prevails that in human twins one is usually stronger and more vigorous than the other. Observations of the writer and others . . . tend to bear out this impression. Even in the case of so-called duplicate or identical twins, the products of a single egg, there is nearly always a more vigorous twin who is the dominant member of the combination. There is also a somewhat vaguely expressed feeling among families in which twinning has occurred that one twin has in some way drawn upon the vitality of the other or has inherited more than his fair share of certain essential qualities, leaving the other somewhat depleted in energy and vigor. A more definite form of this type of idea, to wit, that one twin is commonly sterile, has come to me several times of late. This idea may have had its origin in the freemartin situation among cattle, where a female calf born twin to a male is nearly always sterile. . . .

It is my belief that these popular impressions are not without foundation.⁸¹

Lichtenstein and Healy report two cases of somewhat blurred sex distinction in twins. In both cases one twin was definitely homosexual and the other a hermaphrodite⁸² or a virago type.⁸³

he possessed birth certificates of twins born to a motion-picture actress. He was acquitted, but there is evidence that the birth certificates he told the jurors were in his pocket did not exist. Craig Thompson and Allen Raymond, *Gang Rule in New York* (New York, The Dial Press, 1940), p. 165.

80. Richard Wuttke, *Der Deutsche Volksaberglauben der Gegenwart* (Leipzig, 1907), p. 380.

81. Newman, *op. cit.*, p. 135.

82. "B" was 20 years of age and by profession a hospital orderly. He also assumed a girl's name. His case was most interesting, in that he had a twin brother, who was a hermaphrodite and an actor." Perry M. Lichtenstein, *A Doctor Studies Crime* (New York, D. Van Nostrand Company, 1934), pp. 108-109.

83. Healy and Bronner (*op. cit.*, pp. 102 ff.) give an elaborate description of a young homosexual, a twin. The other twin was a girl "of average height, slenderly built with small breasts, narrow hips, and shoulders relatively broad for a girl."

As with many uncommon physical developments, there is ambivalence of attitude toward twins. There have been twin gods and heroes in Roman, Greek, and Hindu mythology.⁸⁴ They were believed to have magic power,⁸⁵ a belief dating back to the most ancient times. In Vedic India expiatory sacrifices had to be made when "a cow or the wife" bore twins.⁸⁶ According to a European superstition, malformed children are called changelings; the fine child is supposed to have been secretly exchanged for another by witches. In Old English, "changeling" had the meaning of "idiot" or "simpleton." The danger of such malformation or abnormality is greatest in twins.⁸⁷

5. Heredity and Crime

All studies on the hereditary foundations of crime suffer from two sorts of inconclusiveness. Children and parents are not only a biological intercommunity but a closely knit pattern of symbiosis. Imitative processes, group disgust and group loyalty, play an eminent role, although often superimposed on a flexible range of similar inborn tendencies. Looking at cases of two or three brothers sentenced for the same grave crime,⁸⁸ we notice a plurality of causes: some are hereditary traits, some the result of group conformity coming into play; some arise from an age factor which differentiates the controller from the controlled.

Moreover, the same social forces may operate from early youth in the same direction and with the same intensity upon

84. As, for instance, Romulus and Remus, legendary founders of Rome, whose father was the god Mars. Zeus and Leto were parents of the twins, Apollo and Artemis, while the Dioscuri ("sons of God"), Castor and Pollux, were also twins. In Hindu mythology the twin Yama with his sister Yami engenders the human race. "Yama" means "twin." Hermann Oldenberg, *Die Religion des Veda* (Stuttgart, Cotta, 1923), p. 532. The two Asvins, gods of the dawn, are twin deities. *Ibid.*, p. 207.

85. *Idem*, p. 211.

86. *Idem*, p. 329.

87. Wuttke, *op. cit.*, 384.

88. See the case of the three brothers Van Wormer, mentioned by Robert G. Elliott in his *Agent of Death* (New York, E. P. Dutton & Co., 1940), pp. 52-53. Elliott executed the trio. Often there is a new identity of causations; there is the same grievance or the same victim situation among brothers. In the famous hold-up and murder case of the Siskiyou Tunnel in Oregon in 1923, three brothers were involved and received life sentences. The two last, Roy and Ray d'Autremont, were twins. See Milton Mackaye, *Dramatic Crimes of 1927* (New York, Doubleday, Doran & Co., 1928), pp. 1-27.

the members of a family. The strength of these milieu factors is reflected in the popular belief in the formative power of the foster father⁸⁹ and the spiritual fatherhood of the teacher or initiator in old civilizations.⁹⁰ It would not be incorrect to speak of "hereditary" surroundings—not transmitted, of course, but imposed by a fateful succession on father, son, and following generations. Viewed from this angle, there will be much less "hereditary" crime in new and unexhausted continents than in old and inflexible civilizations. Thus fewer "hereditary" traits will appear in the large group of property offenders than among violent and sex criminals. Yet obviously as much will depend on the momentum of innate tendency as on the pressure or alluring call of external conditions.

The twin material presented by Johannes Lange is, one must conclude, too small to be valid, and scarcely convincing;⁹¹ many unrelated individuals living in the same physical and mental proximity as twins and subject to exactly the same forces from outside would probably react with similar delinquent responses. The milieu is as much "destiny" as the disposition and compulsory interdependence of family life. Genealogy is an easy way of proving hereditary characteristics, but we have not yet found a name for the unbroken succession of similar milieu factors. Crime is the resultant of both groups of forces.

Sometimes there is a pseudoheredity, an "inherited" environmental factor, not of social conditions but of specific family events and their consequences. Robert Elliott once executed a man from Buffalo named Wasser for a hold-up in which a paymaster had been fatally shot.⁹² "Wasser," he writes, "who

89. The godfather in many European countries formerly replaced the real father if he became unable to take care of the child. There is a belief in many parts of Europe that a seventh, a fourth, or even a third of the godfather's fine qualities pass on to the child; he is therefore carefully selected. Wuttke, *op. cit.*, p. 386.

90. Intercourse with the wife of the spiritual initiator was punished by castration in India. Julius Jolly, *Hindu Law and Custom* (Calcutta, 1928), p. 278. "It is incest to sleep with the daughter of one's teacher." Miguel Covarrubias, *Island of Bali* (New York, Alfred A. Knopf, 1937), p. 144. The spiritual identification is expressed by the Vedic formula of initiation: "May your thinking espouse my thinking." Oldenberg, *op. cit.*, 466.

91. Johannes Lange, *Crime and Destiny* (New York, Charles Boni, 1930).

92. Not everyone who is sentenced for murder has committed a murder. The law operates with broad legal fictions and burdens the associate with acci-

had adopted the surname of his foster-parents, had preferred death to life imprisonment. He did not believe that life was worth living. Perhaps he had good reason for feeling that way. Years before his mother had been brutally slain by his father, who was subsequently executed for the crime."⁹³ The social handicap of a father who had died by the hand of the hangman may have been more causative in the development of the son than the father's personal disposition, of which we have no details. The prejudice surrounding such cases is certainly hereditary and inescapable. There may also have been an inherited suicidal tendency descending from the slain mother.

When Elliott threw the switch on Frank and Anthony di Stasio, father and son, family loyalty appears to have been the paramount causal element both in the genesis of crime⁹⁴ and in the fatal outcome of the judicial procedure.⁹⁵ It was a sort of suicide pact in which the state assumed the charitable role of assistant. The high degree of family attachment in both persons may, of course, be regarded as a hereditary trait.

When it comes to discussion of the causal backgrounds of insanity the psychiatrist is correct in speaking cautiously of defective heredity; it is a general predisposing condition most changeable in its outward manifestations. The uncontested inheritance of inferiorities of mind or body—of general traits and tendencies—is only a possibility, one factor among many forces, physical and social, which may reinforce, balance, or modify each other and determine the actual outcome. Some inherited characteristics are polar, as are manic-depressive symptoms; some are ambivalent and most vague in their social consequence and value. By their transmission an uncertain variety of possible destinies is assigned to the individual. Our social organization permits the sublimation of tendencies in general regarded

dental effects. Of four men put to death in Pennsylvania in 1927 for shooting a policeman in a bank robbery, the fourth was arrested about 15 minutes before the officer was shot. He participated in the robbery but had nothing to do with the killing, yet he was convicted of murder and executed. Elliott, *op. cit.*, pp. 249-250.

93. *Idem*, p. 107.

94. "I love my father," declared the son before his death, "and that is why I'm in this predicament." *Idem*, p. 177.

95. The father, according to Elliott, could probably have saved the son by signing a statement exonerating him, but did not do so. "I love my son better than anything else in the world," he said, "and I don't want to leave him behind." *Idem*, pp. 176-177.

as "inferiorities"; under exceptional conditions, vocational or otherwise, they may be promoted to virtues in defense of the state or society.⁹⁶

An unusually ugly murder was committed in London by the son of a police inspector. We are told with great emphasis that "nowhere in the family records could there be found any trace of a member who had deviated from the straight path, and yet the son of rigidly honest parents committed a brutal murder." When the writer continues by saying that heredity failed in this case and the defendant himself implied a streak of insanity, we see the complex problem of heredity treated in the usual perfunctory manner.⁹⁷ A deeply ingrained violent or destructive tendency may agree perfectly with a life of honesty and integrity. We like to be color-blind in regard to things and persons that are useful to us: wherever efficiency is involved we do not notice the turbid source. Destructive leanings can be exercised lawfully and even ethically in undisputed fashion. Good luck or a self-protective instinct on the part of the individual may bring about situations, vocational duties, or constellations of events which direct the propensities capable of bringing about his undoing into channels not taboo. It is true that the son of the honest father was "mad," as he himself said. Yet this inferiority of mind cannot have been improvised by nature; it must somehow, at some time, in some combination or other, have been transmitted from preceding generations.

Heredity is regarded as something irrevocable; unjustly so, with the exception of the gravest forms of deficiency, and rarely in the realm of crime. For by withholding certain stimuli⁹⁸ we prevent the igniting spark from touching the explosive mass and remove one of the indispensable elements from the composite causation which will otherwise lead to insanity, suicide, or crime. We ourselves, as well as the perpetrators of crime, tend in our thinking to substitute psychological motivations for hereditary stringencies. Motives can be changed; hereditary

96. As in wars and revolutions.

97. "Certainly heredity completely failed there, for he could have inherited only a good strain, and one is therefore compelled to conclude that he was speaking the truth and nothing but the truth when he declared in the condemned cell that, 'I must have been mad when I did it.'" Charles Kingston, *Law-Breakers* (London, 1930), p. 250.

98. That this is frequently not possible is obvious. The maximum of stimulative control and rarefaction is reached in an institution. *

propensities must be neutralized by more circuitous methods. Our scientific arguments are rationalized wishes to explain matters along the line most susceptible to influence; we do not want the harder task before us.

There cannot be a better instance than the case recounted by Anita Mühl in her Melbourne lectures:

A boy of seventeen was referred by the Juvenile Court, because of a long list of delinquencies. Among other things there were charges of reckless driving while intoxicated, stealing, and finally an attempt at suicide.

When the boy was eleven, his father and mother were divorced. Each remarried. Each had new sets of children. When the boy was fifteen the father was again divorced and remarried and again had a child. This made a very large assortment of near relatives—one mother and two stepmothers, one father and one stepfather, two different sets of step-brothers, one half-brother, and five sets of grandparents.

The boy was in the dull normal group and had done only fairly well in school. The father who was a judge, drank a great deal, and was often abusive at home.

The boy said, "I stole on purpose, so that he would be humiliated. It was the only thing I knew that would really hurt him, because it would hurt his pride to have people say that the son of a judge was a thief." Another time he said, "I don't see what's so swell about life. I'd just as soon not be alive. What have I got? No decent example, no home, nothing that's worth while. No matter how you look at my father, he's not straight. He's not straight in politics, and he is not straight in his morals. I don't know what you can expect of me."⁹⁹

The boy will us make believe that he stole only to take revenge on his father. It is an interesting suggestion and fits very well into psychoanalytic theories. In reality the father, although a judge, turns out to be a dishonest and dissolute man who has succeeded by legal means in creating a most disruptive family Babel. The figure of this corrupt and dishonorable "Honor" must be included among examples of deficient heredity transmitted from father to son. Note that the boy did not get drunk

99. Anita M. Mühl, *The ABC of Criminology* (Melbourne, Melbourne University Press, 1941), pp. 52-53.

in order to revenge himself on the drinking father. There were the same propensities in both—the difference in specific behavior between judge and juvenile delinquent was the result of variety in the surroundings and patterns of behavior largely dependent on the age factor.

6. Greying

"Criminals," says Hooton, speaking of old American criminals and civilians, "have much higher proportions of red-brown hair than civilians, and the latter have excesses of gray and white hair."¹⁰⁰ Of course, he hastens to add, his criminals are on the average considerably younger than the civilians of the check sample. Reporting his findings on the foreign-born, the author writes: ". . . gray and white hair are much commoner in the foreign groups than in the American born, doubtless because of the higher mean ages of the former, although possibly these gray hairs might be attributed to the disappointment and frustration of the ambitious criminalistic immigrant."¹⁰¹

It need not be stressed that the phenomenon of greying, intimately connected with age, cannot be studied in groups of varying age distribution. Other investigations such as those made by Lombroso and Ottolenghi rest on a more solid basis but are still inconclusive. Ottolenghi found grey hair "vastly more frequent" at an early age among workers and peasants than among 200 criminals examined.¹⁰² Criminal women, in contrast, grey earlier.¹⁰³ Precocious greyness is noticeable among the criminally insane; cretins turn grey at a much later period. Whether the findings of Ottolenghi and Lombroso that confidence men grey early and rapists very late, while thieves maintain a middle position,¹⁰⁴ will be confirmed by more extensive and statistically reliable material remains to be seen.

Recent investigations have proved the connection between greying and vitamin deficiency. That the shock of arrest, conviction, and confinement may affect greying cannot be denied.

100. E. A. Hooton, *Crime and the Man* (Cambridge, Harvard University Press, 1939), p. 122.

101. *Idem*, p. 164.

102. Figures from Havelock Ellis, *The Criminal*, p. 75.

103. Cesare Lombroso, *The Female Offender* (New York, D. Appleton & Co., 1895), p. 73.

104. Mario Carrara, *Antropologia criminale* (Milan, 1906), p. 88.

That the control group sampled should be from the same economic, racial, and occupational stratum, and above all should show the same age distribution as the criminals studied, is a prerequisite of any correct investigation technique.

Some proverbs seem to recognize in late greying and mental inadequacy manifestations of the same unknown process.¹⁰⁵

7. Mortality

To compare the morbidity and mortality of the noncriminal population with that of criminals has been attempted recently by Goring. But the difficulties are nearly insurmountable. First of all, where do we find a noncriminal population? We have the statistics of insurance companies, yet among these "noncriminals" are many criminals who have not been reported or detected; others though guilty have been acquitted, and so forth. Who are "criminals"? What we can study are prisoners, a small selective group belonging mostly to the male sex, younger age groups, and marginal classes, many of them physically and mentally handicapped. Prison life, in addition, is artificial, protecting from disease in one way, promoting it in others.

Goring arrived at the results given in the Table on page 44.

The table requires elaborate comment, yet on the whole does not shed any new light on the genesis of crime. That the apprehended criminal cannot easily die from an automobile accident, and that the insanity figures do not include the criminal lunatics who die in asylums and are therefore altogether incomplete, we know already. If we could follow up some thousands of released criminals to the end of their lives the results might be more valuable. But here, too, the confinement must be regarded as an additional noxa, as is the situation of an ex-convict. A previous conviction is not only a social and economic handicap but by this very fact also indirectly a negative change in the quality of physical, disease-engendering surroundings.

105. "Tête de fou ne blanchit jamais." ("The head of a madman never turns white.") "De gekken grijzen niet; maar de esels worden grijs geboren." (Dutch: "Fools do not grow grey, but asses are born grey.") "Testa di pazzo non incanutisce mai." ("The head of a fool never grows grey.") Hans von Hentig, "Physiognomik im Sprichwort," *Archiv für Kriminologie*, LXXX (1927), 138. In this same paper I have raised the question whether the white wig of the English judge is not meant to evoke the image of a wise and just man. *Idem*, p. 139.

Comparative Table of Death Rates¹⁰⁶
 [Selected Causes of Death]
 Rates per 1,000

<i>Cause of Death</i>	<i>Prison Population</i>	<i>General Population of Like Ages</i>
Accidental negligence	11	69
Suicide	73	17
Intestinal obstruction and peritonitis	24	9
Diabetes mellitus	5	8
Alcoholism	34	12
Syphilis and aneurism	12	8
Apoplexy, etc.	64	49
Cancer	29	48
Bronchitis and emphysema	40	62
Diseases of heart, etc.	128	135
Pneumonia and influenza	147	105
Tuberculous diseases	214	242
Insanity	10(?)	10
Epilepsy	31	10

Some individuals, as we shall see presently in more detail, are conveyed to prison by the exuberance of their physique¹⁰⁷—men in whom during certain years the demands of the musculature overwhelm the weakened inhibitions of the brain. Perfect cave men, they no longer fit into a civilization which draws back, in normal times at least, from the heroic solutions of the fist fight. This group obviously bears on the picture of morbidity and mortality.

In a world of omniscient justice and perfected law enforcement, crime would be a suicidal form of conduct.¹⁰⁸ In actual fact, in the plurality of cases it is far from being so. The keen observer, however, will notice other interrelations of death and

106. Charles Goring, *The English Convict* (abr. ed. London, H. M. Stationery Office, 1919), pp. 161 ff.

107. For instances see Stanley, *op. cit.*, pp. 46, 218; and Donald Lowrie, *My Life in Prison* (New York, Mitchell Kennerley, 1912), p. 413.

108. This is assuming, of course, that conditions of free life do not drop below the detrimental configuration of prison life. The moment they do, confinement becomes a measure of hygiene and life extension.

delinquency. The higher mortality of the never-married¹⁰⁹ as compared with married men and women¹¹⁰ certainly has a connection with the greater criminality of the former. Yet we must not confuse and lump the causal trends together and say that these delinquents have a higher rate of mortality, though for the same rather remote and complex reasons they both die earlier and commit more unlawful acts.

109. For figures for New York state see E. B. Reuter and J. R. Runner, *The Family, Source Materials for the Study of Family and Personality* (New York, McGraw-Hill Book Company, 1931), p. 201.

110. An exception—at least in New York state—is the age period 20-29 among unmarried females. *Ibid.*

CHAPTER III

Physical Traits and Peculiarities

1. *Excess of Physical Vigor*

HEALY has very capably pointed out one cause of delinquency: excess of physical vigor.¹ In only a few vocations does the modern environment provide an outlet for muscular strength. The machine age has further narrowed down the realm of the strong man. Yet every organ requires function. It may be said that in some beings the musculature imposes its demands on the brain, and Healy is right again in hinting at the dangerous combination of too much physical vigor and too little mental inhibitory power. "But even in an adult," he writes, "mentally normal, too great a surplus of general or special energy under the conditions of an ordinarily civilized environment may occasionally lead directly to anti-social conduct."²

It appears that a very strong person may have difficulty in surrendering to a policeman who is physically by far his inferior and who has only the majesty of law behind him. In the murder in 1927 of a police constable in Essex County, England, one of two men who were later stopped in a stolen car was thus described: "Brown was forty-five; he had seen some service during the war, but he had been an habitual criminal since boyhood. He was immensely strong and could lift a car without the aid of a jack."³ The fact that criminal women are often extremely muscular doubtless reflects a masculine streak in some female delinquents. The widow Sorenson of La Porte, Indiana, was the mannish type of female killer.⁴

1. *The Individual Delinquent*, p. 231.

2. "The exceeding restlessness and restiveness of a tremendously vigorous man or woman may, of course, lead to misdeeds." *Ibid.*

3. Sir Basil Thomson, *The Story of Scotland Yard* (Garden City, Doubleday, Doran & Co., 1936), p. 9.

4. "She was five feet seven inches tall and weighed two hundred pounds, most of which were pure brawn. When her household effects arrived at the farm, the truckers were amazed at the ease with which she juggled heavy

Physique may not only carry away the psyche but produces certain competitive satisfactions which cannot be abandoned without a struggle.⁵ This combat happiness is met in some criminals and many policemen; it is the primitive Sunday delight of some racial groups—the Bavarian mountaineers, for instance—and obviously an adolescent trait. For some time the Berlin police were forced to regard popular athletic clubs as the hide-outs of criminals. Here they amused themselves in lifting heavy weights and in wrestling matches.⁶ It may be that their desire for physical exercise to release a superabundance of vigor and their occasional criminal outbursts were symptoms of the same fundamental condition, which deserves further study.

In situations of quasi-self-defense some physically very vigorous individuals find a mode of life between law and illegality as bodyguards.⁷ They are nearly always men whose potential capacity for crime has been turned momentarily into a realm where violence is not completely abolished or disapproved. There may be little or no difference, basically, between protective killers and aggressive killers.⁸ There are special terms in

trunks, boxes, and crates. One of them . . . swore that he saw the woman pick the big upright piano clean off the floor of the porch, lug it unaided into the front room, and set it down as gently as she would have handled a basket of eggs." Stewart H. Holbrook, *Murder Out Yonder; An Informal Study of Certain Classic Crimes in Back-Country America* (New York, The Macmillan Company, 1941), p. 127.

5. ". . . Hackney, who had acquired his name by terrorizing that district, was criminal violence incarnate. He was a man of tremendous physique, sodden and paunchy from years of drinking, and like an ageing bull, growing daily more sensitive to rising reputations for terrorism. The presence in the club of a young tough he would regard as a direct challenge. . . . As a chucker-out he was not without his faults, for he would frequently cause trouble simply for the pleasure of having someone to chuck out; . . . His past was a lurid record of violence. He had taken part in gang fights in three countries, he had done three years for rape, he had reduced a whole district to abjection with the help of a razor, he had served nine sentences of hard labour for beating up the police. And his pride in these achievements was immense." Benney [Degras], *Low Company*, pp. 186-187.

6. These wrestlers seem to have played a role even in the criminal history of London. See F. P. Wensley, *Forty Years of Scotland Yard* (Garden City, Doubleday, Doran & Co., 1931), p. 47.

7. "He was a street bookmaker. Obviously he could not go to the police . . . So he conceived the idea of enlisting a bodyguard—a man who himself had a reputation for reckless violence." *Idem*, p. 105.

8. "Fowler [a murderer], a giant of a man, enormously strong, who feared nothing and nobody . . ." *Idem*, p. 30.

criminal slang for these types to whom violence is a native element.⁹

Prize fighters in addition to their pugilistic triumphs win another prize: they greatly attract a certain type of woman. Since many of these strong men are spoiled and weak-willed, their intimate relationships often lead to domestic bossism¹⁰ and, under the influence of admiring newcomers or alcohol, to arguments and a short-lived rebellion.¹¹ The modern movie also breeds personalities which combine daredevil propensities with an inflated ego. They carry their screen foolhardiness into civil life, where events do not always have a happy ending.¹²

The destiny of these strong men not infrequently presents a strange concatenation of detrimental forces. Dr. Stanley in looking through a mass of photographs in San Quentin was struck by the "large majority" who had deformed noses. He justly thinks that a blow from a policeman's club or an opponent's fist is usually responsible.¹³ We may safely assume also that such repeated head injuries account for the alcoholism of some prize fighters¹⁴ and for their rather high ratio of criminality.¹⁵ The excessive physical vigor is deprived by brain trauma of the inhibitions which in a strong body need to be intact or even doubly powerful.

* 9. "‘Bull buster,’ one with a morbid passion for assaulting the police." Godfrey Irwin, *American Tramp and Underworld Slang* (New York, Sears Publishing Company, 1931), p. 39.

"‘Gorilla,’ a thug or bully, one depending on brute strength to attain his ends." *Idem*, p. 89.

10. As in the classic instance of Samson and Delilah.

11. "Certainly a great deal of misdirected energy lived in the brawny figure of Selby ‘Kid’ McCoy. This famed champion of the prize ring, for thirty years the idol of the sports world, spent seven years in San Quentin for slaying his sweetheart during a drunken brawl. . . ." Stanley, *Men at Their Worst*, p. 218.

12. "Likewise Joseph Francis Regan, Hollywood motion picture extra and film daredevil stunt man, received many stays of execution . . . Regan had killed Policeman Hugh A. Crowley in Los Angeles." *Idem*, p. 46.

13. *Idem*, p. 90.

14. See the prize fighter who "got drinkin' and got into trouble" in Donald Lowrie's *My Life in Prison*, pp. 413 ff.

15. Of Buck Kelly, 22-year-old ex-pugilist who killed five people in the course of a drunken hold-up spree, we learn: "He was an amateur boxer and had been knocked groggy many times, but had never been rendered completely unconscious. He stated that on three occasions he had been struck on the head by hard objects . . . He had scalp scars from some of these accidents; . . ." Catton, *Behind the Scenes of Murder*, p. 194. Another athlete murderer is described by Ferrier in his *Crooks and Crime*, p. 290.

The strong-arm platoons of well-organized gangs are, of course, full of bouncers, born fist-fighters, and athletes whose powerful muscles itch for contraction and extension. Of the gang leader Eastman we read:

When he enlisted in the New York National Guard at the outbreak of the World War and stripped for examination, the physicians thought they had to do with a veteran of every battle since Gettysburg. They asked him what wars he had been in.

"Oh," replied Eastman, grinning, "a lot of little wars around New York!"¹⁶

Gyp the Blood, one of the killers in the Rosenthal case, was known as one of the best bouncers. "He possessed extraordinary strength, and frequently boasted that he could break a man's back by bending him over his knees."¹⁷ Another member of the same crew was Whitey Louis, a former third-rate pugilist.¹⁸ Still another paid killer was Vach Lewis, otherwise Cyclone Louie, "a professional strong man who occasionally appeared at Coney Island side shows and thrilled the tourists by bending iron bars around his neck and twisting them about his arms."¹⁹

One is tempted to think that some of these strong men operate troublesome drinking and amusement establishments in order to have a good excuse for bouncing. Of the famous Harry Hill in the sixties we learn from a contemporary writer, "Mr. Hill himself is a man about fifty years of age, small, stocky and muscular, a complete type of the pugilist. He keeps the peace of his own concern and does not hesitate to knock any man down, or throw him out of the door, if he breaks the rules of the establishment."²⁰

Other famous gang fighters were John Morrissey and Tom Hyer, the American heavyweight champion; Bill Poole ("Bill the Butcher"), the champion brawler of this time; and the celebrated pugilist and slugger Yankee Sullivan.²¹

Modern prize fighters, strong-arm men, and gorillas had

16. Herbert Asbury, *The Gangs of New York, An Informal History of the Underworld* (New York, Alfred A. Knopf, 1928), p. 275.

17. *Idem*, p. 330.

18. *Ibid.*

19. *Idem*, p. 289.

20. *Idem*, p. 183.

21. *Idem*, pp. 90, 91, 93. This was in the fifties. Sullivan was afterward lynched by the San Francisco vigilantes. *Idem*, p. 93.

their predecessors during the Middle Ages; only a few centuries ago they were called professional swordsmen, warriors, or lansquenets.²² Among people executed in medieval Nürnberg were many strong men of this type²³ who had done very well in fighting and robbing the Turks, but on their return from the crusades went on fighting and robbing in peaceful Nürnberg and were quickly disposed of by the executioner. They committed some most atrocious crimes.

2. Red Hair

"Unexpected to one who knows the popular preconceptions is the rarity of the red hair color which is only slightly more frequent [in criminals] than in normal people." This is the opinion of Carrara.²⁴ Lombroso thinks the situation somewhat different with prostitutes. "Prostitutes," he writes,²⁵ "appear to have a smaller proportion of dark hair than thieves, because the fair-haired specimens of their class are the most sought after. Marro, already," he continues, "even in his scanty figures, had noted a predominance of fair and red-haired women among the unchaste, and his observation accords with our own."²⁶ Relying on rather small figures Lombroso arrived at the following results:

Hair Color in Females²⁷
(Per Cent)

	<i>Criminals</i>	<i>Normals</i>
Fair-haired	26	12
Dark-haired	26	20
Red-haired ²⁸	7	—
Chestnut-haired	41	68

22. *Fechter, Kriegsmann, Landsknecht.*

23. Albrecht Keller, ed., *Maister Franntzn Schmidts Nachrichters inn Nürnberg all sein Richten* (Leipzig, 1913), pp. 6, 16, 40, 47, 52, 55, 58, 59, 62, 71, 72. One of these fighters bore the nickname "Little Eight-fingers" (*Acht fingerlein*). *Idem*, p. 72.

24. *Op. cit.*, p. 87.

25. *The Female Offender*, p. 70.

26. Red-haired girls were highly quoted and brought their owners large returns in the vice market of old San Francisco. On details see H. Asbury, *The Barbary Coast; An Informal History of the San Francisco Underworld* (New York, Alfred A. Knopf, 1933), p. 259.

27. Lombroso, *op. cit.*, p. 70.

28. There is an erratum in the printed text which I have tried to interpolate. Lombroso cites 48 red-haired.

Havelock Ellis, on the other hand, went through the register of persons wanted by Scotland Yard and designated as "dangerous," "desperate," "expert," or "notorious." The number was 129 individuals. In discussing the redheaded he says: "This gives a proportion of red-haired persons about the same, according to my observations, as is found among middle-class men in the city, but considerably lower than is found, according to Dr. Beddoe, chief authority on the subject, among the lower classes in London, *i.e.*, about 4 per cent."²⁹ He goes on to state that in the general population, as far as the lower classes go, the proportion of red-haired is larger.

More recently Goring has gathered available figures for red, blonde, light brown or fair, medium and dark hair in English convicts. British and Scottish students and schoolboys, and the general Scottish insane.³⁰ He was quite aware of the common tendency in hair and eye color to darken during the transition from youth to adult life. In addition, differences of race and other factors must be taken into account. As long as no exact identical or comparable statistical basis has been found, all figures remain inconclusive.

These are Goring's data for red hair:

	<i>Per Cent</i>
English convicts	3.4
Scottish students	4.8
Scottish schoolboys	5.5
British schoolboys	3.7
General Scottish insane	1.6

The most conspicuous diversity is between the insane and the other groups, which leaves us without adequate explanation. Is the mortality of the redheaded insane large and a possible factor? Do redheads perhaps not suffer from *dementia praecox* or one of the senile disorders which fill our asylums? The comparison with Scottish material may have a racial foundation, and the same may be true of the contrast between the criminals in this table and the lower classes of London, since English convicts as a class are certainly less cosmopolitan than the East End of

29. *The Criminal*, p. 76.

30. Goring, *The English Convict* (abr. ed.), p. 88.

London before World War I. Goring's figures do not bring us closer to our goal.

A red-haired person is easily identified. This may be a weighty handicap in all criminal activities in which direct contact with the victim is necessary. A gang of pickpockets or hold-up men could not possibly use a redheaded individual. In sex offenses he would be easily identified; in murder, arson, and similar cases in which there are presumably no witnesses it would be different.

A critical view of available figures is strengthened by the fact that there are no exact standards by which to measure hair pigmentation.³¹ There are subtle linguistic distinctions; the color may be called tawny, foxy, carroty, ginger, or sandy.³² In women it may be titian, mahogany, chestnut, or henna. In spite of all perplexities the problem cannot be discarded; there must be a reason for the proverbial sayings of all European nations cautioning against the redheaded individual. "To a red man reade thy read, with a browne man breake thy bread."³³ Sometimes a finer distinction is made: "He is false by nature that has a black head and a red beard."³⁴ I believe that in the Venetian proverb mentioned by Lombroso the red beard is meant.³⁵ Beards, of course, have disappeared in Anglo-Saxon

81. Hooton found that old American criminals and civilians differed in that criminals had a "much higher proportion of red-brown hair than civilians." *Crime and the Man*, p. 122. Among the foreign-born delinquents the Irish led in red hair: there were 6% among the native-born and 8% among the foreign-born. *Idem*, p. 164.

32. Hair is often called "red" in youth, "sandy" when the man is adult and famous. "The little red-head had grown up into a sandy-haired youth . . ." writes R. Kraus, *Winston Churchill* (Philadelphia, J. B. Lippincott Company, 1940), p. 44. The school nickname of President Coolidge was "Red." See Claude M. Fuess, "The Boy from Vermont," *Atlantic Monthly*, February, 1940, p. 210. There is no indication that much of this reddishness was left when he came to political life. Greying is an advantage with redheads.

This advance had been observed of yore. "A red-haired man must write down his name [in a book] in his youth," says a Yiddish proverb. Champion's comment is: "So that in his old age he cannot deny having had red hair, . . ." Selwyn Gurney Champion, *Racial Proverbs* (London, George Routledge & Sons, 1938), p. 325. The police warrant issued for the capture of the fugitive Tammany leader Tweed read "grey hair, from originally auburn color." Denis Tilden Lynch, *Boss Tweed* (New York, Blue Ribbon Books, 1931), p. 398.

33. Apperson, *English Proverbs*, p. 527.

34. *Ibid.* For other German, French, and Italian proverbs see my paper, "Physiognomik im Sprichwort," p. 137.

35. "Uomo rosso e femina barbata da lontan se meglio la saluta." ("Greet from afar the red-haired man and the bearded woman.") Lombroso Ferrero, *Criminal Man*, p. 50.

countries and we are left without criteria to go by. Among murderers famous in the history of crime redheaded men are found,³⁶ and individuals with red beards, too.³⁷ Single cases, however, will not settle the matter. In various European proverbs the opinion is expressed that red-haired persons are either very good or very bad.³⁸

One may be tempted to assume that the adverse feeling toward redheaded people has a merely superstitious basis. It is known that in Aryan India red was the color of death and deadly magic.³⁹ A remnant of this belief is met in a well-known passage of Revelation.⁴⁰ Witches in some parts of Germany are called the "red folk,"⁴¹ Judas in many medieval pictures is depicted with the red beard of the traitor.⁴² There is a branch of blond European gypsies who are not acknowledged by the genuine Romany; among them many red-haired individuals are found. They are shunned and isolated and thus compelled to inbreeding and are said to look rather degenerate.⁴³

Philologists tell us that Greek tradition gave a red wig to most slaves appearing on the stage, and that this custom may have been followed in the early Roman theater.⁴⁴ By white and black wigs the Roman stage used to indicate the age of the person; red wigs apparently labeled some sort of degeneration, physical as well as moral.⁴⁵

36. Palmer and Crippen. See Thomson, *op. cit.*, pp. 151, 200. In both cases the hair was described as scanty, which accounts for the lighter shade of "sandy."

37. See the more recent murder cases of Nathan Hart of Maine and Albert Patrick of New York City. Hart was described as "brief, but sinister: his beard was dyed a purplish shade." The *World* of October 6, 7, 1900, gave the following picture of Patrick: "The hair that remains to him is of reddish brown; his beard is red, close-cropped, stubby, and aggressive looking." Edmund Pearson, *Five Murders* (New York, Doubleday, Doran & Co., 1928), pp. 70, 223.

38. Simrock, *Deutsche Sprichwörter*, p. 463.

39. Hermann Oldenberg, *Die Religion des Veda* (Stuttgart, 1923), p. 217: "The red color is connected with death and everything that is horrible; red are the clothes of the man who is sentenced to die; the funeral wreath is made out of red flowers; red instruments are used for deadly charm."

40. Revelation 17:3, 4: ". . . and I saw a woman sit upon a scarlet coloured beast . . . and the woman was arrayed in purple and scarlet colour . . ."

41. Wuttke, *Deutscher Volksaberglauben der Gegenwart*, p. 150.

42. *Ibid.*

43. Martin Block, *Zigeuner* (Leipzig, 1936), p. 128.

44. Catherine Saunders, *Costume in Roman Comedy* (New York, Columbia University Press, 1909), p. 103.

45. See the description of Philocrates Captivus: ". . . macilento ore, naso acuto, corpore albo, oculis nigris, subrufus aliquantum, crispus cincinnatus."

The aversion to red-haired people appears to have been very outspoken during the Middle Ages, as may be seen in the numerous passages quoted by Zingerle from medieval writers and poets.⁴⁶ On the other hand it should not be overlooked that great historical figures have been red-bearded⁴⁷ or red-haired,⁴⁸ not to speak of the lighter shades of reddish.⁴⁹ Among the Teutonic hierarchy the god of lightning has a red beard and all red animals are dedicated to him: the fox, the squirrel, the stork (for his red legs and beak), and the robin, popularly called "redbreast."

Not too much value should be attached to the derivation of the word "sanguine," suggesting blood, activity, and ardor as a dominant humor, and the same word in the sense of "sanguinary." Common opinion, however, is inclined to consider the sanguine temperament of redheaded people and a disposition to rash reactions as the same. The proverbs of various countries seem to be concerned mostly with the redheaded man⁵⁰ or the bearer of a red beard and to omit the female redhead. When technicolor was invented there was even a distinct predilection for redheaded actresses, although in the recent history of crime there are some cases of murder by women with red hair, who appear to have been mentally disordered.⁵¹

Quoted *idem*, p. 45. On the moral qualities of the slave as described in the Roman comedy see Erich Schild, *Die dramaturgische Rolle des Sklaven bei Plautus und Terenz* (Basel, 1917), pp. 94-95.

46. I. V. Zingerle, *Die deutschen Sprichwörter im Mittelalter* (Vienna, 1864), pp. 124-125.

47. The Emperor Barbarossa, for instance, who died in 1190 in an accident incurred on a crusade through his impetuosity.

48. The main instances are Thomas Jefferson and General Sherman. Jefferson's grandson has left this description: "Jefferson had red hair and his eyes were hazel." W. E. Curtis, *Thomas Jefferson* (Philadelphia, J. B. Lippincott Company, 1901), p. 194. Of Blair's favorite staff officer, Capt. Nathaniel Lyon, we hear that he was "a red-bearded, nervous visionary like himself, a man with 'stormy eyes.'" Lloyd Lewis, *Sherman, Fighting Prophet* (New York, Harcourt, Brace & Co., 1932), p. 158.

49. In his student days Bismarck appeared to his friends to have reddish hair. Lord Byron had, we are told, "mahogany hair." M. Woods, *In Spite of Epilepsy* (New York, Cosmopolitan Press, 1913), p. 194. Schiller, the great German poet, had eyebrows nearly grown together, "bushy dark-red hair [*dunkel-roth*]." H. Düntzer, *Schillers Leben* (Leipzig, 1881), p. 87. The name Schiller, incidentally, originally meant "cross-eyed" (*schielend*). *Idem*, p. 1.

50. The saying of General Sherman is famous: "I am too red-haired to be patient."

51. We hear of a red-haired woman who shot her husband because "he did not mourn enough for our dead boy." Louis Berg, *Revelations of a Prison*

Whatever these interrelations may truly be, one secondary effect of this characteristic seems to be well established: red-heads suffer from their nonconformity.⁵² One of the best examples of this neurotic apprehension or complex⁵³ is the attitude of young Sherman:

Cump was apparently happy and contented except for one great private worry—his red hair. In that day, as well as for some three generations to come, his red hair was the object of juvenile derision. Proud and sensitive, Cump decided, with a love of action that would prove characteristic, to change its color. Commencing a series of experiments with available drugs and medicines, he finally produced a startling green effect that persisted until his hair had grown out once more.⁵⁴

Some psychiatrists go so far as to speak of a redhead neurosis.⁵⁵ It is related of a redheaded and freckled patient that he doubted whether he should marry and expose his children to the same fatality. The observer who recounts the case states that all redheads he has met, whether in practice or in private life, have been psychoneurotics. The material that came into his consultation room was doubtless selective. The Marburg school of psychology contend that according to their experience red-haired persons exhibit many S-types, that is, disharmonious individuals, beings without stable psychic balance and without identity of personality.⁵⁶ Whether this can be accepted

Doctor (New York, Minton, Balch & Co., 1934), pp. 179-180. Another red-haired young woman entered San Quentin at the age of 16 for murder. Her mother had objected to all-night parties, and the girl shot her, dressed in her mother's finery, and danced the rest of the night. Stanley, *op. cit.*, p. 263. This girl was probably a schizophrenic, the first woman a manic-depressive.

52. Rosanoff, Handy, and Plesset in their twin studies record a pair of boy and girl twins of whom the boy is mentioned as red-haired. Of him we hear: "The one thing that makes him cry is any allusion to his red hair, of which he seems to be dreadfully ashamed. The teacher finds it difficult to keep the other children from calling him red-head, which always precipitates a scene." *Etiology of Child Behavior Difficulties*, p. 110.

53. Is it a "complex" to be pained by a stupidly generalizing slight? It depends on the negative or positive way in which we respond to the humiliation.

54. Lewis, *op. cit.*, p. 36.

55. For cases see Ludwig Frank, *Vom Liebes- und Sexualleben* (Leipzig, 1926), I, 191-193.

56. Kurt Rau, *Untersuchungen zur Rassenpsychologie nach typologischer Methode*, (Leipzig, 1936), p. 22.

remains to be seen; psychology is not as simple as all this and requires ample material and careful control.

If in American superstition red hair is a sign of fierce temper,⁵⁷ and according to the belief of Pennsylvania Germans indicates a "spitfire,"⁵⁸ we need not wonder that not only law-breakers⁵⁹ but guardians of the law as well have been connected with the excitable disposition which often goes with this hair color. Vidocq, who from being himself 'a criminal advanced to the status of a devoted and experienced agent of law enforcement, used the term *rousse* ("red") for a police spy,⁶⁰ and after him this became the slang term for a detective. Barrère's comment is, "Red-haired people are supposed to be treacherous, hence the epithet 'rousse' applied to the police."⁶¹ Thence the argot word traveled into the penitentiaries, where *roussi* is a stool-pigeon who spies on fellow prisoners.⁶² Finally, *roussiner* has come to mean to draw the attention of the police to a person.⁶³ The ideas of red hair, fire, and the sensation of heat possibly enter into a subconscious combination. In recent American slang everything which has to do with excitement, or which contains an element of danger, is "hot."⁶⁴

The requirements of colored film have rendered the red-haired woman fashionable and to be imitated. The great number of "ginger," titian, and auburn-haired girls now appearing in public demonstrate the fact that indications of red hair have

57. Daniel Lindsey Thomas, *Kentucky Superstitions* (Princeton, Princeton University Press, 1920), p. 84.

58. Edwin Miller Fogel, *Beliefs and Superstitions of the Pennsylvania Germans* (Philadelphia, American Germanica Press, 1915), p. 341. One proverb runs: "Rote hor uf em kopp, der deibel im leib" ("Red hair on the head, has Old Nick in him"). *Ibid.*

59. A description of Big Harpe, famous Kentucky outlaw, runs as follows: "He wore no covering on his head, and the natural protection of thick, coarse hair, of a fiery redness, uncombed and matted, gave evidence of long exposure to the rudest visitations of the sunbeam and the tempest." Emerson Hough, *The Story of the Outlaw; A Study of the Western Desperado* (New York, The Outing Publishing Company, 1907), p. 41. For ample material see Hentig, "Redhead and Outlaw, *Journal of Criminal Law and Criminology* (1947), pp. 1-6.

60. Barrère quotes Vidocq as saying, "Va, c'est pas moi qui ferais jamais un trait à un ami; si je suis rousse, il me restent encore des sentiments." A. Barrère, *Argot and Slang* (London, 1887), p. 417.

61. *Ibid.*

62. *Idem*, p. 418.

63. *Ibid.*

64. Edwin H. Sutherland [Chic Conwell], *The Professional Thief* (Chicago, University of Chicago Press, 1937), p. 238.

previously been tampered with and eliminated by various methods. The redhead herself, therefore, has shared to a certain degree the vague preconceptions of the crowd. These are—or have been—so strong as to be occasionally a factor in domestic discord. "When I got married," says a husband, "I lost my family. My parents objected to her. At that time I thought that they were unfair and prejudiced. They said they didn't like her because she was redheaded."⁶⁵ The wife confirms the redheadedness as a stumbling block: "My husband made the engagement party for me to meet his family. It wasn't a success. His uncle said that he didn't want him to marry a redhead. He didn't want a redhead in his family."⁶⁶

I think it may be possible to range possessors of red hair in certain general psychological categories, but this is as far as we can go in science. From this point on, economic habitat, chance, and qualities underlying or superimposed upon the "redhead temper" will decide the outcome. The generalizing ill-disposition of the public is an additional factor, spurring the ultimately eminent individual to greater achievement and hastening the defeat of the weak personality.⁶⁷ We should look for these primary distinctions behind the one distinctive feature.

3. *Left-handedness and Left-markedness*

"Left-handedness," writes Havelock Ellis,⁶⁸ "has, by instinct or from accurate observation, been regarded with disfavour in the proverbial sayings of many nations. It is decidedly common among criminals."

Before approaching left-handedness as a common degenerative characteristic among lawbreakers we should attempt to establish the occurrence of the phenomenon among the normal population. At the same time a definition is needed of what is to be called left-handedness. Obviously there are degrees of left-markedness and it must be decided whether ambidexterity and acquired righthandedness are to be included.

According to the German anatomist J. Hyrtl left-handed

65. Mowrer, *Personality Adjustment and Domestic Discord*, p. 138.

66. *Idem*, p. 139.

67. Among the criminals executed by Maister Franntzn in Nürnberg in the years 1573-1617 were not a few who from their nicknames must have been red-headed. We find "Roth Peterla," "Roth Georg" and "Roth Wolff," and "Roth Cuntz." Keller, *op. cit.*, pp. 8, 34, 89, respectively.

68. *Op. cit.*, p. 118.

persons constitute 2% of the German population. The British author W. Ogle speaks of 4.5% ; Kobler who quotes these data hastens to add,

If, however, those are counted in who, born left-handed, have been compelled to become right-handed so that their left-handedness cannot be ascertained, or only with great difficulties, some writers arrive at the rate of up to 28 per cent. . . . Since ambidextrousness is only a form of left-handedness, their number has to be added to that of the left-handed.⁶⁹

Examining 81 normal persons, Marro found 7 left-handed and 4 ambidextrous. Among 190 workingmen he found 6 left-handed, and altogether found the proportion of normal left-handed and ambidextrous persons to be 6.2%.⁷⁰ The following table supports Lombroso's and Marro's assertion that in nearly all categories of delinquent persons a slighter development of the right hand is common:⁷¹

"Left-handedness" in Criminals
(Per Cent)

<i>Type of Crime</i>	<i>Lombroso</i>	<i>Marro</i>
Murderer	10.0	17.5
Rapists	10.0	7.8
Thieves	13.4	17.3
Vagabonds	—	17.1

From the point of view of statistics the number of persons investigated is much too small. Marro's 171 normal people and 40 assassins and other small categories will not do. I believe that all other estimates so far made are limited to the most manifest and indisputable cases of left-handedness.⁷² The problem has

69. Richard Kobler, *Der Weg des Menschen vom Links- zum Rechtshänder. Ein Beitrag zur Vor- und Kulturgeschichte des Menschen* (Vienna, 1932), p. 66.

70. Ellis, *loc. cit.*

71. Kurella, *Naturgeschichte des Verbrechers*, p. 127.

72. L. Liersch estimated that in the rural neighborhood of Berlin there were 2-3% of left-handed persons. *Die linke Hand* (Berlin, 1893), p. 12. Of the 26,000 children of Benjamin, in the Old Testament, "there were seven hundred chosen men lefthanded: every one could sling stones at an hair breadth, and not miss." Judges 20:16. Thus 2.7% of the fighting force were left-handed; these apparently were regarded as especially choice sharpshooters.

not yet been approached by exact methods and on a sufficient statistical scale.

How can we proceed to criminological interpretations so long as the physiological basis of the problem is contradictory and confused? Lombroso has maintained that "In the feet, as in the hands [of criminals], there is frequently a tendency to greater strength or dexterity on the left side, contrary to what happens in normal persons . . ." ⁷³ On the other hand it has been asserted that in the majority of men the left leg is longer and stronger than the right. ⁷⁴ In marching we set out with the left foot, and the left foot accentuates the marching rhythm. We use the left foot to mount a horse. Two military doctors found that of 4,000 soldiers 52% had a longer left foot than right, while only 16% had a longer right foot. ⁷⁵ The reasons for an asymmetric development of the lower extremities are obscure, except that there may perhaps be an element of support to the action of the right shoulder and right arm.

Grimm has pointed out the contradictory terms for right and left in European languages. The old Saxon terms for right hand are equivalents of *fortior* and *citior*—"stronger" and "more dexterous." ⁷⁶ There are by contrast clear linguistic indications that the left side was considered the stronger, as was the left wing of a battle line. ⁷⁷ A change must have taken place, first in religious notions giving right and left their relative preferential value, then terminologically. *Scaeva* was a good omen in Latin, but during the Empire bad men, murderers, adulterers, and misers are called by the poets *scaevus*, *scaevinus*, and *scaevola*, from the root *scaevus*, "left-handed," "sinister," "perverse."

Modern criminal anthropology tends to recognize the left hand as more commonly the stronger. So did Lombroso, ⁷⁸ Marro, and Rossi; the latter two found that in 23 and 20%, respectively, of their recidivist criminals the left hand was stronger than the right. ⁷⁹ Carrara states that "in contrast to

73. Lombroso Ferrero, *op. cit.*, p. 21.

74. See Kobler, *op. cit.*, p. 11.

75. See the investigations of Hasse and Dehner, quoted by Kobler. *Ibid.*

76. Jacob Grimm, *Geschichte der deutschen Sprache* (4th ed. Leipzig, 1880), II, 685 ff.

77. "To them [the Greeks] the right side had become in the course of time the stronger [*potior*], but the old expression had remained." *Idem*, p. 689.

78. Lombroso Ferrero, *op. cit.*, p. 21.

79. Kurella, *op. cit.*, p. 127.

what is observed generally with normal people many criminals present more muscular strength in their left side than in their right";⁸⁰ these are his figures (in per cent) :

	<i>More Strength: Right</i>	<i>More Strength: Left</i>	<i>Ambidexter</i>
Normal	70	14	16
Criminals	67	23	10

When left-handedness and ambidexterity are added together, however, the difference between the normal and criminal groups is minimal.

Of course the problem is more complex. Galton supervised the measuring of muscular strength of 400 male adults between the ages of 23 and 26 (artisans, clerks, professional men, etc.) at the International Exhibition of 1884 in London.⁸¹ The squeezing power was: stronger in the right hand in 253 persons or 63.3 per cent; stronger in the left hand in 147 persons or 36.7 per cent.

We saw above that Marro found a ratio of 23 and Rossi of 20% left-handedness in recidivists. Yet in a sample of a normal population Galton met 36.7 persons with more squeezing power in their left hand. The greater strength of the left side is thus no phenomenon "contrary to what happens in normal persons."⁸² The biological meaning of these differences still remains to be studied.⁸³

Havelock Ellis, who was left-handed himself, has analyzed the figures for squeezing power according to occupational status.⁸⁴ Although Galton's findings cannot be regarded as final and the statistical quantities are by no means large enough to be reliable, the results cannot be ignored.

80. Carrara, *op. cit.*, p. 138.

81. Ellis, *op. cit.*, p. 109.

82. Lombroso, *op. cit.*, p. 21.

83. I believe that the distinction of Lattes between a normal inversion of the cerebral asymmetry, atavistic or otherwise, and the pathological change, resting on some form of lesion of the left brain, epileptic, traumatic, or otherwise, should be the basis of such investigations. There is certainly a diversity of causations. Lattes' theory is mentioned by Carrara, *op. cit.*, p. 141.

84. "It is quite possible for a person to be left-handed in some respects, right-handed in others; . . . (as happens to be the case with the present writer)" Ellis, *op. cit.*, p. 110.

Squeezing Power, Right and Left, by Profession⁸⁵

Vocation	Total	Right	Left	Equal
		Stronger	Stronger	
Clerks	87	52	29	6
Chemists	18	12	5	1
Carpenters and joiners	9	4	3	2
Medical men	9	5	4	—
Clergymen	7	3	3	1

Clerks and chemists show a 33–40 percentage of stronger or equal squeezing power in the left hand. Medical men, carpenters, and especially clergymen, however, range from 44 to 57% of left-markedness, although the small figures warn us to be careful.

Without entering into the problem of left-handedness—which is a problem of right-brainedness—we must maintain the distinction of a normal substitution or an exchange founded on a pathological process. It appears likely that ambidexterity was the original condition⁸⁶ and that the right hand was put forward when man assumed an erect gait, offered his until then protected left side to the enemy, began to shape weapons,⁸⁷ reached the heart side of his adversary best with the right hand, and evolved a sign language⁸⁸ and counting by fingers.⁸⁹ All these movements stimulated the left brain and helped to develop a specialized motorial and speech center. Asymmetry, first

85. *Idem*, p. 109.

86. According to the authors quoted by Kobler (*op. cit.*, p. 9), apes and birds of prey are ambidextrous. Stier says that “all apes up to the anthropoids are completely ambidextrous and no trace of left- or right-handedness can be found.” In contrast to these observations Osawa states that “apes are partly right-handed, partly ambidextrous; a few are left-handed. The birds who keep their food by their fangs use the left foot.” Carrara, *op. cit.*, p. 140. Here again our knowledge is badly in need of improvement.

87. “. . . one hand to be the holding hand, the other to hammer, peel, break, and tear away the superfluous parts of the war-club; . . .” Beaufort Sims Parson, *Left-handedness, A New Interpretation* (New York, The Macmillan Company, 1924), p. 59.

88. It is certainly true, as Parson writes, that the hand was the first instrument of mutual understanding, of “speech.” *Idem*, p. 25.

89. “The fact that in many parts of the world the word for ‘five’ and ‘hand’ is the same today shows that all antiquity began arithmetic by finger counting . . .” *Idem*, p. 68. The terms “finger,” “five,” and “fist” are related. “Give me your fist” is still colloquial English and means a hand that is not closed.

perhaps a mutation, became one of the great instrumentalities in survival. It might have been the left or the right hand. The selection of the right hand for active operation, the left for shielding and passive protection, must have been the more useful device and a greater help in the struggle for life.

Omitting dysfunction of the left brain for pathological reasons, the question remains whether left-handedness is a degenerative or atavistic characteristic. Parson rests on the authority of Sir Daniel Wilson, Frank H. Cushing, and Sir John Evans when he asserts that cave drawings of the Paleolithic age indicate the prevalence of right-handedness at that period.⁹⁰ Kobler, on the other hand, quotes the results of investigations made by G. de Mortillet and others, ". . . the left-handed were thus twice as numerous in France as the right-handed."⁹¹ That the matter is badly in need of being cleared up and that no conclusions can be drawn from this confused status of the material is obvious.

The disdain of the left hand as expressed in language,⁹² proverbs,⁹³ mores, and folklore⁹⁴ cannot, however, be lightly dismissed. Nor can it be overlooked that some of our greatest artists have been left-handed, or at least left-marked.⁹⁵

Skill and strength are characteristics in the motor sphere. Sensitivity is another type of attribute. Lombroso declares, "Criminals are more sensitive on the left side, contrary to normal persons,"⁹⁶ and again, ". . . this tendency is manifested

90. *Idem*, pp. 56-57.

91. *Op. cit.*, p. 15.

92. Note the English "sinister," the French *gauche*, and the German *linkisch*.

93. Thus "left-hand luck" means ill luck. Apperson, *op. cit.*, p. 359.

94. "The author found among some of the native tribes of South Africa a curious tendency to dishonor the left hand by assigning to it all manual acts which are looked upon by these savages as degrading." Parson, *op. cit.*, p. 67. According to E. Westermarck, in Morocco the left-handed person is the bearer of ill luck. ". . . nobody but another 'ásri (left-handed) employs him as a ploughman; . . . even a left-handed man tries to use his right hand in writing words from the Koran." *Ritual and Belief in Morocco* (London, Macmillan & Co., 1926), II, 14.

95. Kobler, resting on the authority of Fliess, mentions Michelangelo, Leonardo da Vinci, Goethe, Holbein, Beethoven, Robert Schumann, Heinrich Heine, Nietzsche, Frederick the Great. *Op. cit.*, pp. 76 ff. To Fliess, left-handedness is but a progressive stage of a general left-markedness. He even tries to connect it with indications of opposite sex character, while for him ambidexterity corresponds to some degree of sex ambivalence. The theory has not been accepted, nor has it been refuted.

96. Lombroso Ferrero, *op. cit.*, p. 25.

in many cases where there is no trace of functional and motorial left-handedness." Other scholars have pointed to Hamlet's remark that "the hand of little employment hath the daintier sense," noting that the left hand has the finer touch and a more sensitive skin. "Thus," writes Liersch, "many obstetricians favor the use of the left in their explorations."⁹⁷ What is truth? asked Pilate; many more facts will have to be gathered before we are much closer to it in this one relatively uncompounded problem.⁹⁸

Left-handedness may bear on those stages of law enforcement in which the detection and physical apprehension of the criminal constitute preliminary conditions to further legal procedure. Left-handedness, or at least ambidexterity, played a role in the unsolved case of Jack the Ripper.⁹⁹ Left-handedness may help an arrested suspect to gain his freedom.¹⁰⁰ There is a term for the left-handed gunman in American criminal slang—"click-handed clout"—which seems to refer to a peculiar celerity and adroitness.¹⁰¹ The real two-gun men, highly esteemed as bodyguards of celebrities, are in all probability ambidextrous.¹⁰²

97. *Op. cit.*, p. 15.

98. What do we know of left-handedness in twins, for example? Healy saw a delinquent twin 16 years old, of whom he says, "We found that he was left-handed, stuttered slightly . . ." The control was right-handed. *New Light*, p. 117. In a second case (a boy and a girl) "he was found to have a supernumerary mammary nipple on one side but no apparent anomalies of the sex organs; with his rounded contours, his rouged cheeks and exaggerated feminine mannerisms there was no mistaking the type. The girl was . . . slenderly built with small breasts, narrow hips, and shoulders relatively broad for a girl. . . . The boy was right-handed, but she was left-handed and had been trained to use her right hand." *Idem*, p. 103. In two other cases mentioned by Healy (pp. 138, 140) the delinquent was left-handed, the control right-handed. The delinquent in the latter case complained of having been punished because he was left-handed (p. 139).

99. ". . . it was thought, by the expert manner of the mutilations examined on the various bodies of the victims, that the Ripper was ambidextrous, that is left- and right-handed. Chapman [a suspect] was seen to use his hands in this way during the time he lived in the Borough." A. F. Neil, *Man-hunters of Scotland Yard* (New York, Doubleday, Doran & Co., 1933), p. 11.

100. "It is always the right wrist that feels the nippers. Still, policemen have been shot by left-handed men." Lowrie *op. cit.*, p. 10.

101. Herbert Corey, *Farewell Mr. Gangster! America's War on Crime* (New York, D. Appleton-Century, 1936), p. 277.

102. "He [William Weaver] was a real two-gun man. There are about as many two-gun men in the world as there are white tigers. There are men who

Some modes of murder—slaying by an axe or a blunt instrument or a knife—permit recognition of a left-handed killer.¹⁰³ No investigative technique has yet been developed to identify the left-handed murderer who uses a gun. After the hold-up in the great Siskiyou Tunnel, Oregon, a pair of overalls was found. It could be established that they had been taken off with the left hand and that the wearer was left-handed.¹⁰⁴ The French gangster Latouche won a duel with another underworld character, called Bel-Ami, by changing his knife from the right to the left hand. "Bel-Ami was unable to parry the upward thrust from that side."¹⁰⁵

4. Ugliness

The English term "ugly" is derived from a root meaning "dreadful," "fearful." In connection with weather it means threatening. The aesthetic term and sense were thus preceded by a moral significance.¹⁰⁶ It is the same in other languages.¹⁰⁷

A former convict has voiced his wonder as to how far ugliness is criminogenic.¹⁰⁸ He comments upon the reduced power of competition of the ugly or deformed. A money incentive has frequently to substitute for personal attractiveness; the ugly person has to bribe with dollars where others bribe with their handsomeness and their cocksureness. There is certainly some truth in this assertion. I believe, however, that ugliness and beauty play their main role in the district attorney's office or in court. Judges and juries are subject to the silent power of these forces.¹⁰⁹

can shoot alternately with both hands, but a two-gun man can draw both guns and go into action simultaneously with them . . . An especial convolution in the brain certainly governs such virtuosity." *Idem*, p. 220.

103. This was the case in the murder of Dr. Harvey Burdell in New York in 1857. Ted Collins, ed., *New York Murders* (New York, Duell, Sloan & Pearce, 1944), p. 219.

104. Mackaye, *Dramatic Crimes of 1927*, p. 10.

105. H. Ashton-Wolfe, *Warped in the Making; Crimes of Love and Hate* (Boston, Houghton Mifflin Company, 1929), p. 122.

106. In "nasty" the original meaning is "dirty" and "harmful," "dangerous."

107. The German *hässlich* is in the primary sense "hateful" and is still used in the fields of both aesthetics and morals. *Garstig* means "evil-tasting," "bitter," and finally "nasty." A. Friedrich Kluge, *Etymologisches Wörterbuch der deutschen Sprache* (Berlin, 1934), p. 236.

108. Victor Nelson, *Prison Days and Nights* (Boston, Little, Brown & Co., 1933), p. 135.

109. "Even social workers accustomed to dealing with all types often find it difficult to think of a normal, pretty girl as being guilty of a crime. Most

It has even been maintained that the introduction of a belle as a witness will profoundly affect some aged judges and enhance the defendant's chances of being acquitted. This is sharply reflected in the fictionalized observations of one of the most experienced and trustworthy criminal lawyers of the New York Bar.¹¹⁰ It should be noted in this connection that even psychiatrists in their case studies often mention a general impression of an aesthetic nature. Subjects are called "fine-appearing," "charming girl in every way," and so forth. Another point in this front of good looks is the dress. "She looked so pretty and vivacious and was so well-dressed," writes Florence Monahan of an inmate with whom she lunched, "no one ever suspected her of being a parolee."¹¹¹

That the fateful role of appearance is clearly recognized by criminals themselves is shown in their urgent pleas for facial operations when some considerate prison doctor is inclined to help them.¹¹² Of all areas of handicap the one least possible to conceal is the face. Often it is not real ugliness but just the strangeness of other ethnological or racial types which in a general and indistinct way makes us take a dislike.¹¹³ It is characteristic that in all revolutions and wars, speaking of our enemies, we use names which depict them not only as morally

people, for some inexplicable reason, think of crime in terms of abnormality in appearance, and I must say that beautiful women are not often convicted. The jury sees to that!" Monahan, *Women in Crime*, p. 103.

110. "The known idiosyncrasies of these dispensers of justice [New York General Sessions judges] guided the district attorney in choosing before whom any particular case should be tried, for they all had well known prejudices due to personal experience. . . . one old fathead was so notoriously amenable to female charm that a defendant had only to produce a witness with succulent curves to stand a fair chance of acquittal; . . ." Tutt, *op. cit.*, pp. 93-94.

111. *Op. cit.*, p. 86.

112. After Dr. Stanley had performed a facial operation in San Quentin, ". . . over-night the hospital was besieged. 'Fix me over, too, Doc,' men begged. 'How can I go straight with a face like this?'" Stanley, *op. cit.*, p. 89. The prisoner on whom the operation was performed is described thus: "What a face his was, I thought with revulsion! Cauliflower ears, squinting eyes, a mashed nose, and seared features made up a facial combination that might have served as a composite portrait of all the thugs in history." *Idem*, p. 88.

113. "In this connection, we recall a Polish immigrant girl at Ellis Island who had small piglike eyes, asymmetrical face, and thick wrinkled skin over her forehead. All agreed that she looked like a perfect fool. . . . There was nothing wrong with her mind. She simply had not yet learned the art of disguising a homely face by framing it with marcelled hair, stenciled eyebrows, and carmine lipstick." Wilson and Pescor, *Problems in Prison Psychiatry*, pp. 83-84.

hateful but also as physically ugly. Apparently we try to fortify our aversion by fixing mental images of aesthetic repugnance.

But do not movies and the theater put before our eyes individuals who are at the first glance recognizable as villains? Wilson and Pescor comment on this point by saying that some weight should be given to general appearance, but it should be remembered that "normals frequently look idiotic and that the feeble-minded often look normal."¹¹⁴ An accumulation of stigmata, of course, may be significant,¹¹⁵ but it should always be kept in mind that the plurality of defective people are in no way antisocial, while there are obviously attractive beings among the most dangerous criminals. In both sexes our aesthetic pleasure prevails over moral discrimination.¹¹⁶ The individual well-favored in body we regard with favor.¹¹⁷

Beauty or good appearance is one of the assets of life for which human beings fight. Most of them do not ask for facial operations but for fine clothes, perfumes, jewelry, and the make-up which has become an obligatory part of our mores. Even the motorcar, the home of one's own, may not lie outside the scope of this necessary adornment. Florence Monahan has observed of the genesis of delinquency in a girl that an inadequate attempt to hide a physical defect lay at the bottom of her misconduct. After an influenza her hair had fallen out and had not grown back. The family was poor. A coarse flaxen wig,

114. *Idem*, p. 82.

115. "However, when many different stigmata occur in the same person they usually indicate mental defect. A cleft palate alone has no significance. But a cleft palate, a clubbed foot, supernumerary digits, and small receding forehead all occurring in the same individual would very likely betoken a deficient mental as well as physical development. . . . But even though the facial contour suggests the complete idiot, one must not form judgment solely on appearance. In the long run actions are the things that count. The person who looks idiotic may only be ugly." *Idem*, p. 83.

116. Telling the story of one of her inmates Miss Mary B. Harris says "She was not attractive and there would not have been the usual prejudice against keeping a pretty girl out of the community. There seemed to be an impression that an attractive girl could not be guilty." M. B. Harris, *I Knew Them in Prison* (New York, Viking, 1936), p. 175.

117. Of the criminal Hickman, executed for the kidnaping and murder of a little girl, we learn, "On superficial inspection, and after being with him, Hickman appeared to be the sort of chap one would hire for a responsible position, would welcome in his home as a friend of his daughter. He looked keen, dependable, personable." Catton, *op. cit.*, p. 111.

given by a friend, emphasized the disfigurement which it was supposed to cover. The school children laughed at her unmercifully till she ran away and became an inmate of Geneva school.¹¹⁸ Since the ugly girl requires more make-up, prettier clothes, more alluring perfumes, etc., than the attractive one, and the ugly man is under constant pressure to offer social incentives other than his own personality, we must recognize that unsightliness forms one of the patterns of economic stress and therefore may be criminogenic.

5. *Physical Defects and Handicaps*

The slang of tramps and criminals presents a rich selection of terms for the disabled. Most expressions concern the loss of a leg,¹¹⁹ or of both legs. Lameness is a minor obstruction.¹²⁰ A one-handed or handless person is called "mitts,"¹²¹ one who has lost fingers "fingy."¹²² There are words for the blind,¹²³ the deaf-mute or mute,¹²⁴ for the left-handed.¹²⁵ There are "phony crips,"¹²⁶ beggars who pretend deformity, and "straight crips."¹²⁷ The generally accepted term "hunch" according to Irwin is "an inspiration or premonition, from the superstition that it brings good luck to rub the hunchback's 'hump' or deformity."¹²⁸

That physical defects are used to move pity and thereby become in a sense economic assets is as true as the fact that the same defects depreciate a person in the labor market. However, many grave physical defects render a criminal assault or the life of a tramp practically impossible, though begging may profit from the deformation.

Discussion of the criminological problem of the disabled must take its departure from the fact that there is a normal form of disability, to wit, old age; the older section of our population is constantly increasing. We must further keep in mind that

118. "One look at her and anyone could see why she had run away. But the unimaginative social worker and the judge had sent her to a school of delinquent girls!" Monahan, *op. cit.*, p. 112.

119. "Crawler," "flopper," "joy-rider" (legless beggar riding about the streets on a low wheeled platform), "skater," "peg," "halfy." Irwin, *American Tramp and Underworld Slang*, pp. 56, 77, 112 and 170, 142, 95.

120. "Gimpy," lame. *Idem*, p. 85.

121. *Idem*, p. 130.

122. *Idem*, p. 73.

123. "Blinky." *Idem*, p. 30.

124. "Dec-dee" and "dummy." *Idem*, pp. 61, 68.

125. "Lefty." *Idem*, p. 120.

126. *Idem*, p. 143.

127. *Idem*, p. 185.

128. *Idem*, p. 105.

two great wars within 30 years have created an army of disabled men, and that the motorized form of warfare requires a gigantic basis of production which has to be improvised and accelerated to the utmost, producing countless accidents and disabled individuals—among them women—who swell the legion of war cripples. The problem is thus momentous and threatens to catch us mentally unprepared.

During the Middle Ages many legal penalties consisted in the cutting off of a finger, a hand, the nose, or the ears. How much these mutilating penalties contributed to create a begging and criminal class is hard to say. Since there was never the loss of a leg for this reason mobility remained, but it is certain that these policies contributed greatly to the total sum of dependency and delinquency. Out of the failure of these methods, when the death penalty and mutilating punishments had proved their inefficacy, the prison developed as a weapon against crime.

It must not be forgotten that during the Middle Ages the number and evidence of mutilating diseases was widespread. In 1574 the number of vagrant lepers in the city of Nuremberg was 2,540.¹²⁹ Horror-exciting ailments were regarded as a social menace. Tramps suffering from such defects were not allowed in Nuremberg to exhibit them, because "*davon die schwangern frauen durch gesicht schaden empfahn möchten.*"¹³⁰ Crippled beggars were rather generally considered potential delinquents, since by common superstition their curse was regarded as most pernicious.¹³¹ Thus we find many old laws and ordinances against swearing or cursing by tramps.¹³² In addition, marks such as lepra were taken as penalties of God for some hidden sin, and this contributed to render the disabled not only repulsive but stigmatized as wicked individuals. Many proverbs of all nations allude bluntly to this moral connection.¹³³

129. Willi Rüger, *Mittelalterliches Almosenwesen* (Nuremberg, 1932), p. 25. This is 12% of the total population of that year.

130. "... pregnant women might be harmed by the sight." *Idem*, p. 33.

131. Consciously or unconsciously, modern tramps use the same means to obtain what they think is due them. Josiah Flynt cites from his own experience: "I once knew a vagabond to call down all sorts of plagues and miseries on a certain house because he could not get enough potatoes there. He prayed that it might be cursed with smallpox, all the fevers that he knew, and every loathsome disease—and he meant it, too." *Tramping with Tramps* (New York, The Century Company, 1900), p. 148.

132. Rüger, *op. cit.*, p. 45.

133. "Men disfigured by nature are generally said to be marked by God so that others may be aware of their wickedness." Wuttke, *op. cit.*, p. 218.

In considering the status of the disabled at the present day, facts are the first thing to look for. They are very scarce. Sutherland mentions a Massachusetts census of 1905 which

shows exactly the same number of blind persons per 10,000 population among offenders and the total population of the state, but a considerable excess of lameness and deafness among the delinquents. The number of lame, deformed, and maimed was 39 per 10,000 population of the state, while among the offenders it was 150; the number of deaf or dumb was 19 in the general population and 31 among offenders.¹³⁴

These statistics do not show the number of blind or deaf kept in institutions and therefore unable to commit a crime. We do not learn, either, in how many cases blindness or deafness caused the court to pronounce an acquittal or a suspended sentence. Sutherland adds that the definitions of these handicapped conditions were not standardized.¹³⁵ For all these reasons the Massachusetts figures cannot offer more than a tentative and preliminary approach.

Another factor must be taken into account. Persons having a manifest physical defect are much more easily identified than normal people. The murderer Döpke was recognized by all boys he had previously tried to approach because he had a pronounced strabism.¹³⁶ Another murderer of the same type, Benthien, was immediately remembered by witnesses because his right shoulder was higher than the left.¹³⁷ This criminal attempted a clever trick after his apprehension: he distinctly limped, whereas the perpetrator had shown remarkable ability to run when chased by the public after the murder.¹³⁸ But Benthien wore exceptionally high heels for a man, and this peculiarity, also found in the murderer's footprints, was his undoing.

In 1925-26 a census was taken of all disabled persons in Germany. The following table shows the results:

134. Sutherland, *Principles of Criminology*, p. 92.

135. *Idem*, p. 92.

136. Wosnik, *Beiträge zur Hamburgische Kriminalgeschichte* (Hamburg, 1926), I, 145. During the trial the district attorney exclaimed, after experts had declared the murderer irresponsible, "As to the hereditary insanity of the defendant, it should be borne in mind that the father only became insane when the defendant was already grown up." *Idem*, p. 154.

137. *Idem*, p. 10.

138. *Idem*, p. 15.

Disabled in Germany¹³⁹

	<i>Male</i>	<i>Female</i>	<i>Total</i>
Blind	19,157	14,035	33,192
Deaf-mute, deaf	23,818	21,558	45,376
Physically disabled	307,413	122,241	429,654

Per 10,000 Population

	<i>Male</i>	<i>Female</i>	<i>Total</i>
Blind	6.3	4.5	5.3
Deaf-mute, deaf	7.9	6.7	7.3
Physically disabled	101.8	37.9	68.8

The data indicate that blindness is a relatively slight problem, deafness somewhat more serious, while other physical disabilities present a mass phenomenon of utmost gravity. It is obvious that the male figures reflect many war disabilities.

A private inquiry in Germany found 352 cripples confined in 93 penal institutions, constituting a proportion of 5.5 cripples per 1,000 prisoners.¹⁴⁰ Of these 352 men

- 55.0% were war casualties
- 18.7% had suffered an accident after 15 years of age
- 6.2% had suffered an accident before 15 years of age
- 18.4% were disabled by a trauma acquired before 15
- 1.7% crippled from birth

It is not easy to survey the number of physically handicapped in the general population and in prison. A White House Conference estimated the number of crippled children in the United States as 300,000 or about 3 per thousand,¹⁴¹ but other computations have gone much higher. New Jersey in 1932 found an estimated 7.2 per thousand under 18, while New York's most recent study arrived at 7.2 per thousand under 21 years of age in 1940.¹⁴² Other studies have gone still higher.

139. Max Hagemann, "Gebrechen," *Handwörterbuch der Kriminologie*, I, 498.

140. *Idem*, p. 500.

141. R. Pintner, J. Eisensohn, and M. Stanton, *The Psychology of the Physically Handicapped* (New York, F. S. Crofts & Co., 1941), p. 263.

142. The New York City survey used the following definition of a crippled child: "A crippled child is an individual under 21 years of age who is so handicapped through congenital or acquired defects in the use of his limbs and body

"Between August, 1934, and March, 1935, an industrial survey of the physically handicapped was carried on in nineteen California cities. Of the population 3.1 per cent in the 15-55 year age group was reported to be physically handicapped; 45.1 per cent of these were classified as crippled."¹⁴³ Thus 1 to 2 per cent of cripples were found in the survey, but we hear that 12% of the inmates of San Quentin have been classified as cripples.¹⁴⁴ This is ten times the regular rate of crippling in the population at large.

From the point of view of the criminologist the etiology of crippling is most instructive. I present two sets of studies.¹⁴⁵ Causes according to the New York City survey were:

	<i>Per Cent</i>
Poliomyelitis	29
Prenatal influences	18.2
Birth injury	15.7
Infection	12.9
Trauma, physical agents	6.0
Others	18.2

While a survey of 57 teaching centers in 47 cities and 14 states shows the following:

	<i>Per Cent</i>
Infantile paralysis	33.7
Bone tuberculosis	12.6
Spastic paralysis	14.0
Congenital	10.0
Others	30.0

Whatever the divergence of diagnosis, the importance of the infantile paralysis cannot be doubted.

Among the diseases and ailments established by S. Kahn in his sample of 275 Sing-Sing inmates we meet the following

musculature, as to be unable to compete on terms of equality with a normal individual of the same age." *Idem*, pp. 262-263. English statistics commonly include those "suffering from the sequelae of infantile paralysis and 'heart cases.'"

¹⁴³. *Idem*, p. 279.

¹⁴⁴. Stanley, *op. cit.*, p. 65.

¹⁴⁵. Pintner et al., *op. cit.*, pp. 264-265.

physical injuries, which may or may not have handicapped the efficiency of the individual, but certainly represent some sort of trauma to his psyche:¹⁴⁶

		<i>Per Cent</i>
Auto injury	23	8.4
Stab wounds	12	4.4
Fractured leg	10	3.6
Concussion	5	1.8
Bullet wounds	4	1.5
Fractured arm	4	1.5
Burns	3	1.1
Broken nose	3	1.1
Broken jaw	3	1.1
Eye enucleated	1	0.4
Total	68	24.9

Taking a section of the "normal population" having the same sex, age distribution, racial composition, and social-economic background, it is certain that the prison population has suffered a much higher rate of physical traumata. Here we appear to be on the track of important causative conditions, especially when we include the lesions suffered from infectious diseases—gonorrhea, pneumonia, syphilis, influenza, typhoid, rheumatism, scarlet fever, tuberculosis, encephalitis, and others.¹⁴⁷ Prisoners are physically impaired people¹⁴⁸ and trau-

146. Kahn, *Sing Sing Criminals*, p. 99.

147. Figures and percentages, *idem*, pp. 99-100. It must be borne in mind that all such information is rather incomplete and summary.

148. See Wilson and Pescor for light on this situation: "Among 7,891 prisoners coming under observation at Atlanta, Georgia, during the year 1932, approximately 30 per cent were suffering from diseases or defects, which if encountered in immigrants seeking admission to the United States would have rendered them liable to deportation on the ground of physical inability to earn a living.

"From these figures it might be concluded that physical defects and disease are more prevalent and more serious among the criminal than the noncriminal group. Such a conclusion would probably be erroneous, because every careful check-up of nonprison populations always yields a surprising number of abnormalities. For example, examinations of school children in all parts of the United States invariably reveal the presence of physical defects approximating from 20 to 50 per cent, depending largely upon the general standards of sanitation and medical supervision which prevail in the communities from which they are drawn. The large number of men rejected for physical defects in the

mata as well as infectious disease affect the nervous system in one way or another.

A physical defect may impair a person's skill as a worker and exclude him from many professions to which some people are strongly attracted: police, army, and so forth.¹⁴⁹ It is true that the mechanization of life has changed some former conditions to the benefit of the handicapped; the lame profit from transportation by car and airplane, and the simple, ever-repeated motions of a man on the assembly line can be made by many individuals who would otherwise run into difficulties.¹⁵⁰

Much more important is the mental handicap that goes with some form of physical defect. There are different ways of dealing with a physical ailment, from the gravest manifestations down to simple ugliness. Würtz has discussed these varying types.¹⁵¹ He speaks of entertainment cripples, the prototype being the king's jester and the deformed circus clown. It may be noted that movies never show cripples except in historical plays or in conjunction with musical abilities.

The next group have been called the "accusers of destiny": the suicides and the insane. The large number of disabled psychopaths includes those for whom a disturbance in sex and group relations has been brought about by the consciousness of their defect.¹⁵² There are cripples who are religious, and the

drafts for the World War also indicates that the average individual in the United States is far from being physically perfect. If we consider perfection and normality as synonymous, it is quite evident that, from the physical standpoint, there are few normal men among the general population." *Op. cit.*, p. 65.

"... the 'average man' is not normal." *Idem*, p. 66.

149. The requirements for a priest as far as physical perfection goes were very strict in the Jewish doctrine and in canonical law.

150. Henry Ford tells us that of 7,882 different jobs in his plants 3,595 require no physical exertion and can be performed by the slightest, weakest sort of man. "In fact, most of them could be satisfactorily filled by women or older children." Ford maintains that "670 jobs could be filled by legless men, 2,637 by one-legged men, 2 by armless men, 715 by one-armed men, and 10 by blind men." *My Life and Work* (New York, Doubleday, Page & Co., 1922), p. 108.

"... a blind man was assigned to the stock department to count bolts and nuts for shipment to branch establishments. Two other able-bodied men were already employed on this work. In two days the foreman sent a note to the transfer department releasing the able-bodied men because the blind man was able to do not only his own work but also the work that had formerly been done by the sound men." *Idem*, p. 109.

151. Quoted by Hagemann, *op. cit.*, pp. 498, 500.

152. Würtz speaks of the "cripple and Eros" and the "cripple and Eris [god-dess of discord and hate]." Hagemann, *op. cit.*, p. 500.

"life-asserting" specimens, and finally the war disabled and disfigured. This classification omits the revolutionaries and political figures—Couthon, the friend of Robespierre; Talleyrand, and more recently, the slightly disabled Goebbels and Stalin, and many other modern statesmen may be added.¹⁵³ Lichtenberg, a most spirited philosopher who made some striking remarks upon the soul of a cripple, was a cripple himself.

There is a strange contradiction between the awed discomfort with which cripples are commonly regarded and the lusty impression they have exercised on the popular imagination. Songs of tramps revel in picturing colorful cripples of one sort or another.¹⁵⁴ Nor does classical tradition disdain the cripple; we find him among the gods. The smith was regarded from the earliest origins of forging as carrying on a magic métier. Hephaestus was lame and is represented with a short leg, although most vigorous as far as the upper part of the body goes. His inventiveness was as great as that of Wieland, lame god of smithery in the Nordic mythology.

This is not an anomaly, for cripples often show a well-developed musculature of the arms and have been met as prominent members of burglary gangs when heavy work had to be done. Their feeling of inferiority may lead them into daring adventures. It is an old German proverb that "the cripple always wants to lead off the dance."¹⁵⁵ He is most sensitive to any challenge. Lichtenberg once remarked, "The most healthy, fine-looking, and well-organized people take things in their stride. As soon as someone is deformed he has an opinion of his own"¹⁵⁶—that is, he is prone to fight. That cripples are inclined to resist and fight is well known to experienced police officers. Their assault delinquency is considerable.

153. Also Rosa Luxemburg, Roosevelt, Hitler (sex cripple), and the Emperor William II of Germany, who being slightly crippled in the left hand characteristically spoke of the "mailed fist," and so forth.

154. We hear of "one-eyed Reilly," "three-finger Charlie," and "Scissor Bill," who

". . . is a little dippy,
Scissor Bill, he has a funny face,
Scissor Bill should drown in the Mississippi,
For he is the missing link that Darwin tried to trace."

155. "Kruppel will immer vortanzen." Fr. Seiler, *Deutsche Sprichwörterkunde* (Munich, 1922), p. 182.

156. Quoted by Hagemann, *op. cit.*, p. 496.

Cripples develop a defensive mental attitude, and a certain compensatory keenness of mind.¹⁵⁷ Their handicap is frequently a disturbing factor in sex matters. Some males and females, on the other hand, are attracted by some defects that act as a sort of sex fetish.

Lame prisoners almost regularly attribute their defect to an accident.¹⁵⁸ The same attempt to avoid the stigma of constitutional weakness is met in two famous bearers of deformity, Talleyrand and Lord Byron, whose attitudes reflected the belief of their fellow creatures that the deformed person is not only to be pitied but to be turned aside from, nay, feared.¹⁵⁹ This shrinking from the physically handicapped person who hurts our instinct of conformity, a shrinking which involuntarily anticipates a revengeful response on the part of the cripple, produces a vicious circle of reactions and countermoves which may lead to delinquency if it cannot be turned into activities of a higher order.

What Talleyrand and Byron felt and did is thus an invaluable contribution to the psychology of the deformed. Both did two things. They tried, in the first place, to minimize the extent of the handicap, although there is ample proof that the defect was in each case serious; more so for Byron¹⁶⁰ than for Talleyrand.¹⁶¹ Secondly, both turned their bitterness¹⁶² into higher

157. Witness the English proverb, "Halt not before a cripple." Apperson, *op. cit.*, p. 280. The caustic wit of the king's jester or court fool combines something ill-natured and searching at the same time. Since a court is not a place where bitter raillery and pessimism have free play, this trait displayed by a nonentity was especially enjoyed.

158. The murderer Frederick Small of Mountainview, Maine, allegedly broke his leg in playing baseball. Edmund Pearson, *op. cit.*, p. 1. A description in the *Boston Journal* suggests the hereditary basis of the defect. It says that Small came limping in, "an undersized pallid cripple . . ." *Idem*, p. 32.

159. ". . . many times I have seen lame or one-legged prisoners brought in hand-cuffed. Imagine a big strapping officer, with both hands free, and a loaded revolver in his hip pocket, walking beside or behind a one-legged man with hands cuffed together." Lowrie, *op. cit.*, p. 293.

160. When Byron died Edward John Trelawny, who later wrote a book entitled *Records of Shelley, Byron and the Author* (London, 1858), removed the bedsheet; both feet were club feet. "Byron's ailment was *pes equinus*, more pronounced in one foot than in the other." Quoted by Helene Richter in her book, *Lord Byron, Persönlichkeit und Werk* (Halle, Max Niemeyer Verlag, 1929), p. 11.

161. In a museum chamber at the castle of Valençay a pair of Talleyrand's boots has been preserved. That of the left foot is normal; as for that of the right, "très réduit en longueur, il a la forme d'une sorte de boîte arrondie; une

achievement. Talleyrand, though belonging to a defeated nation, was the most powerful statesman in Europe for many years; Lord Byron's fame ran through the civilized world like a prairie fire. From early youth he made himself conspicuous by his physical skill.¹⁶³ Yet in spite of all dissimulation and in spite of tremendous external success, neither could conquer the feeling created by the preconceived opinion of others irradiating into his own suffering heart. Both tried to conceal their defect,¹⁶⁴ both were eager to obtain the admiration and love of women, yet they could not forget for a moment that they were lame.

Hereditary strain and the more or less concealed hostility of the human surroundings are interwoven into an attitude of animosity and protest; it depends on outer conditions of life, on chance and slight structural peculiarities of the mind, whether this resentment takes the form of a literary, political, or antisocial reaction. Lord Byron's emotional readiness to hate the destiny¹⁶⁵ which made him physically imperfect embraces all these potentialities; his early death did not permit observation of his development.

If men who have attained fame and lived under favorable circumstances still suffer mental distress, we may understand the extraordinary strain to which people will be subjected who are poor—not born in castles—and have a lower I.Q. In recent

armature de fer y est fixée, dont la tige monte sur la face interne du mollet, pour s'attacher par un anneau de cuir audessous du genou. D'après la forme de ce soulier, le pied droit devait être une sorte de moignon, rappelant l'aspect d'un sabot de cheval." Lacour-Gayet, *Talleyrand*, p. 16. Such a club foot (talipes equinus) is attributed to the Evil One by popular superstition.

162. Goethe remarked of Byron, "He was inspired by the genius of pain." Woods, *op. cit.*, p. 209.

163. "... he showed as much ambition to excel in violent exercises as the most robust youth of the school; an ambition common to young persons who have the misfortune to labour under bodily defects." John Galt, *The Life of Lord Byron* (New York, Harper & Bros., 1835), p. 36.

164. Report of Boswell on Byron: "There is a gaucherie in his movements which evidently proceeds from the perpetual consciousness of his lameness that appears to haunt him, for he tried to conceal his foot when seated and when walking has a nervous rapidity in his manner." Woods, *op. cit.*, p. 197.

165. "The greatest weakness in Lord Byron's character was a morbid sensibility to his lameness. He felt it with as much vexation as if it had been inflicted ignominy . . . he described the feeling of horror and humiliation that came over him when his mother, in one of her fits of passion, called him a 'lame brat.'" Galt, *op. cit.*, p. 23.

times, war, motor traffic, and industrial production have crippled many more individuals than before. Their status is psychologically different from that of the hereditary cripple.¹⁶⁶ But it must be kept in mind that both groups share the same popular reaction and that every physical handicap is a mental trauma of utmost gravity. The motorcar and assembly line seem to give the handicapped, especially the lame, a new chance of usefulness and survival. The war cripple is buoyed up by the pride of his sacrifice and the respect of his fellow men. But modern life no longer offers the spiritual support it gave and still gives to the constitutional cripple in remote parts of Europe, where deep religiosity makes him the medium of divine succor and transforms his frailty into power, his handicap into a privilege.¹⁶⁷

Physical defects may be divided into obvious and secret imperfections. Only when visible are they a social handicap, and we have heard from Henry Ford that "we are too ready to assume without investigation that the full possession of faculties is a condition requisite to the best performance of all jobs."¹⁶⁸ The machine may be less of a terror to a feeble-minded than to a mentally sound man; according to Ford his 9,563 substandard men—deaf and dumb, tubercular, blind, blind in one eye, one-armed, one-legged, and epileptics—do an excellent job and receive regular wages.¹⁶⁹ While these defects become less and

166. Talleyrand's pathetic attempt to change his congenital defect into an accident shows the difference. He reports in his *Memoirs* that a nurse left him lying on a table when he was a child, from which he fell, hurting his right foot. "Talleyrand grew up with a deformed foot, which his enemies found it convenient to regard as an hereditary defect, obscurely but certainly tied up with spiritual defects." Crane Brinton, *The Lives of Talleyrand* (New York, W. W. Norton, 1936), p. 36. But the implication is most unlikely. "According to the evidence of Maurice de Périgord's [Talleyrand's] cousin, the latter had a club foot; what is more, this cousin, also a Count and an Abbé, and his fellow-student at Reims and Saint-Sulpice, stated that there had always been a club foot in the Talleyrand family." Frédéric Lollié, *Prince Talleyrand and His Times* (New York, Brentanos, 1912), p. 26.

167. "The function of the beggar is to pray, and not only his prayer, but also almsgiving has a magical importance, compels the divinity. . . . Only the old man or the cripple can be a proper beggar, . . . because more or less consciously these features are considered the marks by which God destined them to this function." William Thomas and Florian Znaniecki, *The Polish Peasant in Europe and America*. Alfred A. Knopf (New York, 1927), p. 354. Here the cripple thus becomes a highly qualified member of a sacrosocial order.

168. *Op. cit.*, p. 107.

169. *Idem*, p. 110.

less of an industrial handicap, other impairments have receded into the sphere of secret handicaps and have lost their quality as defects in Western civilization.

Standards of physique are somewhat different in the Orient. "The total absence of it [the beard]," we are told, "or a sparse and stunted sprinkling of hair upon the chin, is thought by the Orientals to be as great a deformity to the features as the want of a nose would appear to us; . . ." ¹⁷⁰ The beard even has moral implications; ¹⁷¹ it betrays the socioeconomic situation of the wearer. ¹⁷² When David feigns madness he deliberately defiles his beard. ¹⁷³ Cutting the beard was regarded in ancient times as a heinous outrage. ¹⁷⁴

A well-bearded man in the Orient is a virile man. Modern glandular theories were preceded by a deeply rooted empiricism. ¹⁷⁵ But the custom of shaving has removed this defect from the plane of social actualities.

The beard, in a devious way, has become a minor American problem. Many religious sects adhere to the Biblical rule of a beard in the midst of metropolitan life. They are jeered at. ¹⁷⁶ "Many men," we are told by inhabitants of Russian-Town, "have been refused work because of their beards, employers being afraid 'the beards might get caught in the machinery.'" ¹⁷⁷ Thus in Ford plants the formerly handicapped

170. "Beard," *The Popular and Critical Bible Encyclopaedia*, ed. Fallows (Chicago, 1909), I, 250.

171. "When a man's veracity is doubted, 'Look at his beard,' the oriental will say, 'the very sight of it may satisfy you as to the truth and probity of its owner.'" This is why the Egyptians who shaved their beards, "had the singular custom of tying a false beard upon the chin." *Idem*, p. 251.

172. "The well-bearded man [in the East] is one 'who has never hungered.'" "Beard," *Encyclopaedia of Religion and Ethics*, II, 442.

173. I Sam. 21:13.

174. II Sam. 10:4.

175. The theological writers of the Middle Ages were already on the track of the truth although their physiological knowledge was still somewhat crude; the beard problem was hotly discussed through centuries. "Durandus (Rationale II, lib. XXXII), finding mystical reasons for everything according to his wont, tells us that 'length of hair is symbolical of the multitude of sins. Hence clerics are directed to shave their beards; for the cutting of the hair of the beard, which is said to be nourished by the superfluous humours of the stomach, denotes that we ought to cut away the vices and sins which are a superfluous growth in us.'" *Catholic Encyclopedia* (1907), II, 363.

176. "The conductors on the street car think they are smart. They holler 'Whiskers Boulevard' when they stop at Utah Street." Pauline V. Young, *The Pilgrims of Russian-Town* (Chicago, University of Chicago Press, 1932), p. 170.

177. *Idem*, p. 129.

blind now do better work sometimes than able-bodied men, while the traditional superiority of the flowing beard has become an industrial handicap and an element of cultural conflict.¹⁷⁸ In uprooted and weak people this erstwhile mark of excellence may even lead to delinquency through the intermediary stages of unemployment, mental confusion, and unhappiness.

6. Deafness

The numerical importance of deafness does not seem to be great, as will be seen by the following table:

Number and Ratio of Deaf.
United States¹⁷⁹

Year	Number	Per 1 Million Population
1900	37,426	492
1910	44,708	486
1920	44,885	425
1930	57,084	465

Yet in reading the available statistical figures certain reservations must be made. The category of official deafness includes "all partially deaf persons whose deafness has occurred under eight years of age, and who can hear only with an ear trumpet or other mechanical appliance."¹⁸⁰ These partially deaf persons are responsible for the tremendous oscillations in the registered ratio of deaf people.¹⁸¹ It is a characteristic trait of the

178. It is not only a cultural conflict but a disintegrating force in the family, too. An old Russian Jew who had been a respected man in the old country complained, "They, my children and my grandchildren told me that I should not sit and eat with them at the same table because I do not know English and have a long gray beard . . ." Robert Park and Herbert Miller, *Old World Traits Transplanted* (New York, Harper & Bros., 1921), p. 65. Another old Jew was surprised by his daughter snipping his beard. "They do not like Jews on Cherry Street," he said bitterly. "And one with a long beard has to take life into his own hands." *Idem*, p. 50.

179. Figures from Harry Best, *Deafness and the Deaf in the United States* (New York, The Macmillan Company, 1943), p. 78.

180. Definition of the 1920 census; the definition was similar in 1930. Pintner, Eisenson, and Stanton, *op. cit.*, p. 102.

181. Pintner, Eisenson, and Stanton speak of a variation from 321 to 675 per million (*idem*, p. 102). The census figures as given by Best present an 1860 low of 408 per million and a high of 675 in 1880 (*idem*, p. 73).

deaf individual to try to conceal his handicap in order to escape social and economic consequences.

The fallacy of these findings is confirmed by the fact that "an authoritative modern estimate [1937] . . . considers that about 150,000 persons [in England and Wales] would be eligible to benefit from a Deaf Persons' Act."¹⁸² There were 45,376 deaf-mutes and deaf people in Germany by the census of 1925-26.¹⁸³

In nearly all languages deafness, besides meaning inability to perceive sounds, has the additional significance, "wanting in an essential characteristic"—i.e., barren, empty, unproductive, hollow, dead; or unfeeling, dull, foolish.¹⁸⁴ There is a linguistic relationship between "dumb" and the Greek term *typhlos* which means at first "dull," and at a later period of the language, "blind."¹⁸⁵ European criminal codes recognize deaf-muteness as a possible reason for irresponsibility.¹⁸⁶ The arrested development of the deaf-mute is cited as a ground for this privileged treatment. American criminal law does not admit deaf-muteness as a general defense, granting irresponsibility for commission of crimes. It could, of course, be used as an objection in the process of being tried and sentenced, since in many cases incapacity could be maintained and proved—the mental incapacity resulting simply from the physical handicap that

182. I. R. and A. W. G. Ewing, *The Handicap of Deafness* (New York, Longmans, Green & Co., 1938), p. 5.

183. Hagemann, *loc. cit.*, I, 498. In an interesting enumeration of the "many-times-crippled" (*idem*, p. 499) we find these combinations of deafness with other handicaps:

	<i>Per Cent</i>
Deafness and grave bodily disabilities	4.6
Deafness and mental disabilities	10.8
Deafness and grave bodily and mental disabilities	1.0

184. See the German *taub*, French *sourd*, Danish and Swedish *doef*; Berlin slang, *doof*; Bavarian slang, *doret*. Note also the differing translations, in Mark 7:32, of the Greek term for "deaf-mute" in the Oxford and Luther Bibles. There is a tendency in English to avoid the term "deaf," while Germans use the same adjective, *taub*, for a numb hand, an addled egg, a barren lode, a barren rock, a hollow nut.

185. In Middle Dutch *Dor* means "insane," "deaf," whence the German *Thor*, *der Dusel*, *dösig* (English "dizzy"). The rules adopted in 1761 by the Colonial Assembly proclaim that "no man deaf and dumb from his nativity hath a vote." Best, from whom I quote (*op. cit.*, p. 298), adds that this may have been partly due to the circumstance that nearly all voting was then *viva voce*; but this was certainly not the main reason.

186. See Par. 58 of the German Penal Code.

hampers getting in touch with the surrounding social group:¹⁸⁷ jury, court, district attorney, witnesses, and defending attorney.

The relationship between deafness and misconduct involves a plurality of conditions. We may trace it to the resentment and tenseness of the handicapped individual who sees himself isolated and detached from the human relations to which he aspires. Out of this disregard, bitterly felt, may come violent and hectic attempts to show superiority.

The attitudes of normal persons are regarded as cruel and unjust.¹⁸⁸ A slight mania of persecution develops, the more so as the deaf person is handicapped and frightened,¹⁸⁹ though seldom ready to admit his fears and defenselessness. We should not forget that for the deaf such sources of enjoyment and enrichment as music, radio, and the talking movie do not exist.

Emotional life appears to be more closely linked with auditory stimuli than with visual impressions. It has been said by a clever deaf woman, ". . . the simple fact is that sound has far more to do fundamentally with originating our emotions, or how we feel from day to day, than has what we see."¹⁹⁰ It is certainly true that hearing is the social sense par excellence,¹⁹¹ and, one is moved to add, the sense connecting us with group life and protecting us from dangers. When this contact—the strongest defensive device in the struggle of life—is withdrawn, the individual is cut off from group protection. He is doubly handicapped.

Obviously the effects of deafness depend somewhat on the urges and temperamental set-up of the patient. A born hermit will not suffer as much as a deeply sociable disposition; the individual most inclined by nature to companionship will be the most frustrated and by virtue of that very trauma will occa-

187. Sears and Weihofen, *May's Law of Crimes*, p. 53.

188. ". . . they . . . treated me like a piece of furniture." Remark of a deaf person reported by F. and G. M. Helder in their *Studies in the Psychology of the Deaf*, Psychological Monographs (Evanston, 1941), p. 84.

189. "I was afraid of the dark—especially after becoming deaf, as I could no longer distinguish the 'noises' that I heard or felt." *Idem*, p. 71.

190. Quoted by the Heiders, *idem*, p. 72.

191. "The deaf are handicapped in their intercourse with the social environment. . . . The deaf person can do many things, that the blind cannot. He can get around by himself; he can handle machines; he can drive a car; but one thing he cannot do—he cannot converse freely with hearing people" (*ibid.*).

sionally become delinquent. Reading is no substitute for the emotional subtleties and stimulations of human conversation; the moment to moment adjustments of talk and reply are missing. The most enjoyable part of a joke, for instance, is watching its effect on your conversational partner, the drawing out of a witty answer, etc.—the general duel of ideas and mental powers. The deaf are excluded from this play of ideas and word symbols, which is the only relaxation of millions of people on summer front porches and in country stores. It is the essence of what we call gossip and the last enjoyment of countless lonely old men and women.

Hearing aids, while helpful to some extent, increase nervousness and mental fatigue.¹⁹² The attention is overtaxed and the effort to conceal the element of continual endeavor increases the nervous exhaustion. There is a parallel here to the homosexual, who by attempting to be something else and giving a bravado appearance of normality augments the problems of his nervous instability. Most of our studies, unfortunately, have dealt only with the deaf child. The life of the adult, of course, presents a greater complexity of conflicts: those of sexual or economic security, of "unemployment" in both realms, of old age, and so forth. Finally, troubles in the sphere of hearing appear to be on the increase.

There is still another way of looking at deafness and conduct. The Census Bureau has published the results of an inquiry into the causes of deafness of 35,026 deaf-mutes. They have been classified according to the part of the ear affected, and "unclassifiable causes." The percentages are as follows:¹⁹³

Distribution of Deafness According to Cause

	<i>Per Cent</i>
Causes affecting external ear	0.4
Causes affecting middle ear	25.5
Causes affecting internal ear	19.8
Unclassifiable causes	53.5

192. Ewing and Ewing, *op. cit.*, p. 17. On cruelty as a product of deafness see p. 256. Maltreatment is felt more bitterly when there is no one we can hold responsible or against whom we can turn our resentment; without a specific object irritation turns easily to general targets—society and so forth.

193. Best, *op. cit.*, p. 11.

The last category consists for the greater part (41.5%) of congenital deafness. The second largest group is that of causes affecting the middle ear. In first place we find scarlet fever (10.3%), then follow measles, abscess in the head, diphtheria, pneumonia, influenza, teething, tonsilitis, bronchitis, mumps, erysipelas.

The internal ear may be injured by malaria and quinine, reminding us of the etiological factor of vaccination in encephalitis; also by mumps, noise, concussion, and syphilis. The traumas of the external ear are insignificant in number and for the most part do not affect conduct.

Every handbook of psychiatry has a comprehensive chapter on infection psychoses, and within it again a section on post-infective psychoses. Their prototype is the *encephalitis lethargica*. It may be said that deafness and changes of character, loss of physical and mental energy, are both sequels of the same trauma. "Deafness is a symptom, and not a disease,"¹⁹⁴ and exactly the same holds true with certain alterations of the emotional tone, for speech troubles,¹⁹⁵ and disturbances of gait.¹⁹⁶ They all are secondary manifestations of something more general, more primary.

The biology, sociology, and psychology of the deaf have not received the attention these complex problems deserve. The shorter span of life has been cautiously discussed by Best.¹⁹⁷

Whether or not, actually, the deaf are appreciably shorter-lived than the population in general, there is at present no such evidence adduceable as would warrant material discrimination against them in the matter of insurance. It is quite possible that with greater statistical knowledge upon the subject this discrimination would to a great extent cease.

194. Quoted by Best, *op. cit.*, p. 6, from *Pediatrics*, XXIV (1912), 337.

195. Ewing and Ewing, *op. cit.*, p. 44. That sign and gesture language is not adequate to express emotions and abstractions has been justly stressed by Pintner, Eisenson, and Stanton, *op. cit.*, p. 175. It remains a poor substitute for communication. Noises are also more equivocal than visual impressions. We speak of an "eye witness," while the margin of error in acoustic stimuli is much greater, but the superiority of the seeing deaf is cut down by darkness when his intact sense—that of vision—is handicapped. See the interesting episode related by Mary Harris, *op. cit.*, p. 41.

196. Ewing and Ewing, *op. cit.*, p. 269.

197. Best, *op. cit.*, p. 164.

It is a fact, however, that insurance companies either refuse deaf applicants for policies altogether, or limit the liability,¹⁹⁸ or charge higher rates.¹⁹⁹

His economic self-sufficiency is the deaf person's eternal worry.²⁰⁰ If he wants to marry, additional difficulties must be overcome.²⁰¹ Disregarding contradictory opinions on the psychology of the deaf which lay excessive weight on the educational angle,²⁰² it may safely be said that deaf people are forced into a degree of isolation, and that the width of the gap which separates them from the world of the normal depends on their disposition and on the amount of friction offered by their surroundings. There is a distinct psychosis of the deaf, whereas we do not know any such specific disorder in the blind. It is marked by suspiciousness, concealed anxiety, dejection, and emotional tension. Figures on the suicide rate of the deaf are not available so far as I am aware. Yet there is an inclination to outbursts of anger, to crimes of violence, sometimes sex delinquency.²⁰³ For unknown reasons interest in the subject has de-

198. "When they are accepted for accident insurance, it may be provided that this will not be paid in case the accident was in consequence of, or was caused through, their deafness." *Ibid.*

199. "The general physical condition or the general health, or the longevity of the deaf—or at least the impressions of the public with respect thereto—may to some extent be reflected in the attitude of life, accident, and other insurance companies in regard to their insurability. In very large measure the deaf are not looked upon favorably in this matter, risks as to them being regarded as 'hazardous' or generally undesirable: and insurance when taken out may be under special conditions." *Ibid.*

200. "If I would ever be able to earn my living was my chief topic of worry. I find the deaf are discriminated against in a good many ways. Since the Workmen's Compensation Laws have been enacted more so. Some employers consider the deaf greater risks." Heider and Heider, *op. cit.*, p. 98.

201. "Right now I would like to get married. . . . I would like to present the problem of how to help a girl overcome a prejudice against my deafness that is so strong it has given her nightmares and is standing in the way of our future happiness." *Idem*, p. 97.

202. Brunschwig in a *Survey* of opinions and beliefs concerning the deaf has given these characteristics of the uneducated deaf: "melancholy, suspicious, treacherous, cruel, narrow, unsympathetic, morbid, selfish, unreliable, vindictive." Quoted by Pintner et al., *op. cit.*, p. 150. Others have found the deaf "fundamentally the same as hearing individuals." *Idem*, p. 151. An English proverb says, "Deaf men are quick-eyed and distrustful." Apperson, *op. cit.*, p. 139.

203. See the case of rape in F. Leppmann's "Der Sittlichkeitsverbrecher," *Zeitschrift für gerichtliche Medizin*, 1906, p. 76. The whole family was hard of hearing. Marriage is less common among the deaf than in the general population, a symptom of their isolation. Figures in Best, *op. cit.*, pp. 182-196.

clined, but in older books of legal psychopathology there are whole chapters on this problem, and there has been a vast literature dealing with the subject.²⁰⁴

The deaf appear to have a definitely higher crime rate than the blind. Beyond the fact of their unimpaired locomotion and well-aimed motor responses there is a simple explanation for this discrepancy. While the blind population differs widely from the normal in age distribution, the deaf are much closer to the norm. Considering the older and dependent age groups, the deaf are a slightly more "useful" population, as will be seen by the following table:

General Population, Deaf and Blind, by Age Groups
United States, 1930
(Per Cent)²⁰⁵

Age Group	General Population	Deaf	Blind
0-19 years	38.8	29.4	8.6
20-59 years	52.6	54.6	38.8
60 years and over	8.5	16.0	52.6

More than half of the blind being 60 years old and over, it is understandable that their delinquency is very small, quite apart from potential tendencies. The Massachusetts census of 1904 is often quoted as showing about the same relative number of blind among offenders and in the general population, but more deaf persons, and in addition more lame, deformed, and maimed among combined young and adult offenders.

In 1905 Massachusetts proceeded to a census of "defective physical and social conditions," registering persons blind, deaf, deaf and dumb, dumb, deformed, epileptic, feeble-minded, insane, lame, maimed, the juvenile offenders, neglected children, paupers, prisoners, and persons suffering from acute diseases, chronic diseases, consumptives, and "other" defective physical

204. Von Krafft-Ebing, *Lehrbuch der gerichtlichen Psychopathologie*, pp. 86-90. For up-to-date court decisions and literature see Best, *op. cit.*, pp. 324, 325.

205. The figures on which our computation rests are to be found in Best, *op. cit.*, p. 138, and Best, *Blindness and the Blind in the United States* (New York, The Macmillan Company, 1934), p. 181.

conditions.²⁰⁶ The "socially defective" included prisoners, juvenile offenders, paupers, and neglected children.²⁰⁷ Unquestionably there is a wide discrepancy between actual offenders and the socially defective.

Below are my own computations from the 1905 figures, giving blind, deaf, and the combined group of lame and maimed among the general population and also for the socially defective, adding a breakdown by sex.

Blind, Deaf, Lame, and Maimed
per 10,000 General Population
Massachusetts, 1905
by Sex²⁰⁸

<i>Form of Defect</i>	<i>Male</i>	<i>Female</i>
Blind	9.8	9.4
Deaf	14.1	20.5
Lame, maimed	74.1	34.4

Blind, Deaf, Lame, and Maimed
per 10,000 Socially Defective Population
Massachusetts, 1905
by Sex²⁰⁹

<i>Form of Defect</i>	<i>Male</i>	<i>Female</i>
Blind	10.5	16.6
Deaf	11.5	15.7
Lame and maimed	43.1	40.0

The rate of the blind is higher in the defective population; the deaf, lame, and maimed are lower with the exception of the female lame and maimed. That these figures are not conclusive in a crime study is clear from the definition given of the four groups of socially defective:²¹⁰

For census purposes the term "prisoner" comprehends persons found in prisons, jails, houses of correction, police stations and

206. *Census of the Commonwealth of Massachusetts, 1905* (Boston, 1909), II, 225-239.

207. *Idem*, p. xv.

208. Computed from *idem*, pp. 317, 329, 367, 371.

209. *Idem*, pp. 363, 374, 378-379, 385.

210. *Idem*, p. xv.

lockups, who are awaiting trial for an alleged offense, held as witnesses, serving out a fine, etc., or who have been tried and convicted and sentenced. The term "juvenile offender" comprehends children between 7 and 17 years of age who have committed an offense against the law and have been ordered by the courts to a reform school or to be boarded in a private family. Under "paupers" are included all persons who, from disease, accident, intemperance, misfortune, or any other cause, have become dependent upon public charity. The term "neglected children" comprehends all neglected or dependent children, usually under 17 years of age, who are not living in their own homes and who are supported by public or private charity either in institutions or private families.

By far the largest section of physically defective was found among the paupers (79.8% of the lame and maimed, 55.3% of the deaf, 92.1% of the blind). The Massachusetts data are most valuable but among the prisoners only 8 are blind, 19 deaf, and 99 lame and maimed.²¹¹ This small number of physically handicapped among real offenders is no contribution to our knowledge.

The term for mild deafness is "hard of hearing." Our statistics embrace only the most conspicuous and undeniable cases of deafness. In 1938 the number of persons with defective hearing in England and Wales was placed as high as 6.5 millions, or about 16% of the population.²¹² American studies of school children have given 10.6 and 11% in various cases.²¹³ In some instances problems of feeble-mindedness and delinquency arise in connection with it.²¹⁴ There are complications with epilepsy, insanity, and even blindness.²¹⁵

211. *Idem*, p. xv. Some cases are counted double, the prisoner being blind, deaf, and dumb, or deaf and maimed.

212. Quoted by Ewing and Ewing, *op. cit.*, p. 5. It must be remembered that the effort to conceal the defect is a most pernicious strain on the nervous system.

213. Pintner et al., *op. cit.*, p. 189.

214. See Wildenskov's cases, *Investigations into the Causes of Mental Deficiency*, pp. 100, 102-103, 105.

215. *Massachusetts Census, 1905, loc. cit.*, p. 329.

7. Blindness

In contrast to European countries, blindness occurs more frequently in the United States than deafness.²¹⁶ It must be kept in mind of course that competent observers are convinced that the census underestimates the actual number of blind. While 63,489 were counted in the United States in 1930²¹⁷—that is, 517 per million of population—Best gives about 80,000 as the probable number.²¹⁸ Other guesses go still further.²¹⁹ The high sex ratio of 136.5 males per 100 females²²⁰ will become understandable when we come to the causes of blindness.

The religious belief of the ancient Greeks held certain ailments and also death by various means to be penalties sent by the gods. Aside from death by lightning or drowning, blindness was the most terrible of visitations.²²¹ Yet blindness had its compensations. Homer, Teiresias, and the bard Demodokos were blind.²²² Still today blindness is for some peoples a condition close to the mysteries of life, the future, fate, and God.²²³ Fear

216. Combining available figures for both deaf and blind, the percentage of blindness runs:

	Per Cent
United States	52.6 (1930)
Germany	42.2 (1925-26)

Computed from figures in Best, *Deafness*, p. 73; Best, *Blindness and the Blind*, p. 125; and *Handwörterbuch der Kriminologie*, I, 498.

217. Best, *Blindness*, loc. cit., p. 125.

218. *Idem*, p. 127.

219. Irwin's estimate goes as far as 130,000, or 1-1.5 per thousand of the population. Pintner et al., *op. cit.*, p. 208.

220. Best, *Blindness*, p. 130.

221. Instances from Greek mythology may be found in Leopold Schmidt's *Die Ethik der alten Griechen* (Berlin, 1882), I, 63-64. Even the specter of Protesilaus deprives his antagonist of his sight. Erwin Rhode, *Psyche* (Tubingen, 1925), II, 350. Herodotus relates (VI:117) that men who encountered a demigod went blind. Ovid speaks of a similar divine origin of muteness (*Fasti*, II, 608): Mercury, who has been ordered to conduct the mutilated nymph Lara, or Lala, to the underworld, succumbs to her beauty. She later gives birth to twins, the Lares, guardians of crossroads and the City of Rome. "Lara or Larunda, the mother of the Lares," was worshiped "under the name Muta or Tacita." See Ettore Pais, *Ancient Legends of Roman History* (New York, Dodd, Mead & Co., 1905), p. 66.

222. Homer says that the Muse, his patroness, conferred on him good and evil alike by taking his sight and giving him the art of poetry. *Odyssey* VIII: 63-64.

223. According to Pierre L. J. Villey-Desmerets, blind men are employed in Turkey to recite the Koran. "Their prayers are thought more welcome to God than those of other people. They are also sought after for funerals and for all religious ceremonies." *Le Monde des aveugles* (Paris, 1914), p. 60.

of the blind man's curse was in ancient times a powerful protection to this group of the handicapped.

In attempting to outline a psychology of the blind we must bear in mind that there is first the question of disposition. The individual may be a genius or weak-minded because he is born so. Little is gained by saying that "a portion of the mentally defective are blind."²²⁴ There is progress when we learn from a California study of 100 blind²²⁵ that

51.8	are reported of good mentality
31.4	" " as senile
2.8	" " as feeble-minded
11.4	" " as psychopaths
2.6	" " as insane

Yet what is the rate of "good mentality" or psychopathy in the general population? We must therefore look at each case separately. Most experts seem to agree to an element of what they mildly call "mental retardation" in connection with blindness, but this observation does not apply to the numerous cases of aged blind, the factor of senility being of a different order. Blindness has in the second place, however, a definite effect on the mental and economic life of an individual, especially when vision is lost in the later years. It is a grave and general impediment for the normal person and still more for one already mentally handicapped or emotionally unstable. The degree to which blindness is disabling for gainful occupations may be discerned from the following figures:

Blind Gainfully Occupied²²⁶
United States, 1920. Ten Years and Over
(Per Cent)

	<i>Male</i>	<i>Female</i>
General population	78.2	21.1
Blind	25.4	7.8

224. Best, *Blindness*, p. 197.

225. *The Adult Blind in California* (California Department of Social Welfare, 1929), p. 6.

226. Best, *Blindness*, p. 218.

There is a difference between gainful occupation and real self-support. We are told that of the blind ten years of age and over only 7.7% are reported as self-supporting.²²⁷ Males present a rate of 11.4% and females 2.3%. These self-supporting people doubtless live for the most part at a very low level. Of the male and female blind, 38.5 and 62.2% respectively had annual earnings of less than \$299;²²⁸ such occupation can scarcely be called "gainful."

The economic difficulties of the blind have increased during the last hundred years. Farmers and retail dealers who become blind can often continue in their activities. Others have to fall back upon manual skills; they become broom-makers, chair-caners, basket workers; if women, seamstresses. All these occupations are nibbled away by the competition of the machine,²²⁹ and there is some similarity to the fate of the colored man and the colored woman with the advent of machinery in the cotton fields and other characteristic areas of labor. Even musicians, not uncommon among the blind, have been reduced by the radio and the mechanical multiplication of the performance of a few famous orchestras and bands. By the reduction of piano playing, piano tuning as a profession has lost ground.

There is the point, furthermore, that blindness is not infrequently one of the many symptoms of a general physical ailment. The United States census of 1920 gave the following causative picture:²³⁰

	<i>Per Cent</i>
Specific affection of eye	38.6 ²³¹
General disease	15.7
Accident or other injury	16.5
Other definitely reported causes	2.6 ²³²
Causes indefinitely or inaccurately reported	25.5 ²³³

227. *Idem*, p. 243.

228. Computed from figures, *idem*, p. 248.

229. "L'ouvrier qui ne peut pas conduire les machines, qui n'a pas place à l'usine, doit le plus souvent se contenter d'une rémunération infime." Villey, *op. cit.*, p. 343.

230. Best, *Blindness*, pp. 7-9. A very elaborate table of causes for the year 1910 is given by Best in *The Blind* (New York, The Macmillan Company, 1919), pp. 100-101. In many cases no cause was reported.

231. The chief diseases being glaucoma, diseases of the conjunctiva, of the optic nerve, and of the crystalline lens.

232. Chiefly alcoholic poisoning, tobacco, wood alcohol, and lead poisoning.

233. Some of the main items being: congenital (cause not stated), old age,

Our main interest applies to the two groups, infectious diseases and accidents, as causative factors in blindness. Measles, meningitis, scarlet fever, grippe, typhoid fever, smallpox, rheumatism, and syphilis are the principal diseases. We have met them in a slightly different order, scarlet fever topping the list, in discussing deafness. All these ailments affect vision as well as audition at some point down along the optic or auditory nerve between the external eye or ear, and the brain center for seeing or hearing. That they are likely to create a lesion in surrounding parts of the nervous system is obvious. Vision and the centers which coördinate impulses and inhibitions may be equally impaired.

Loss of sight by accident may betray the trait of personality we call carelessness. Among occupational areas, metal and metal products, lumber and lumber products, machinery, public utilities, and transportation stand out as productive of eye injuries.²³⁴ When we consider means of accident to the eye (and not only blindness) other elements will enter in, as may be seen by the following Missouri figures:²³⁵

Distribution of Accidents to Eye
According to Means

	<i>Per Cent</i>
Dynamite and gunpowder explosion	24.2
Gunshot	15.2
Wood (kindling and chips)	5.2
Knife	5.1
Tree (twigs and branches)	4.8
Other means	30.6
Miscellaneous means	14.9
	100.0

neuralgia, exposure to heat, medical malpractice, wrong medicine or treatment, colds, change of life (menopause), malaria, etc.

234. Wisconsin figures for 1924-27 quoted by Best, *Blindness*, p. 97. In these valuable studies accident-to-eye figures are split up into the following categories: total blindness, enucleation, permanent partial disability, and temporary injury. This elaboration makes the whole gravity of the problem evident.

235. The data embrace persons whose loss of sight is attributable to accidents and who received pensions in the state of Missouri in 1923. *Idem*, p. 99. Of 100 accidents to the eyes among children, 54% were caused by weapons and fire-crackers. *Idem*, p. 100.

The fact that more than 20% of all accidents to the eye have been caused by gunshot and knife wounds suggests that blindness may be related in some degree to the pugnacity of the victim. At least this is so in Missouri.

There is, finally, the factor of old age. While deafness is an incident of early life, blindness descends on mankind with increasing fury in the later years. A comparison of statistics of population and blindness in the more advanced age groups will confirm this observation.

Ratio of Normals and Blind in the
Older Age Groups²³⁶
1930

<i>Age</i>	<i>Population</i>	<i>Blind</i>
60-69	5.4	17.4
70-79	2.4	19.8
80 and over	0.7	15.4
60 and over	8.5	52.6

All troubles of old age combine with the effects of infectious disease, accident, and the human and economic afflictions of this sensory defect to render the causative problem an intricate one.

I made an attempt many years ago to enter into the psychology of the blind.²³⁷ A blind person is handicapped in his movements. Many are in the care and under the supervision of institutions and homes. This is why we speak of tendencies of the blind rather than actual delinquency, which is much more limited than with the deaf. There is a certain bravado in the conduct of some blind persons, who refuse to acknowledge their inferiority by accepting expressions of compassion or personal help.²³⁸ Little is known of their sex life,²³⁹ but difficulties may

²³⁶. Computed from figures in *idem*, p. 181.

²³⁷. Von Hentig, "Die kriminellen Tendenzen der Blinden," *Schweizerische Zeitschrift für Strafrecht*, 1927, pp. 32 ff.

²³⁸. Villey, himself blind, tells the story of Hollman, an English explorer who lost his vision and continued touring the globe for the rest of his life. He refused any assistance and insisted on going alone. *Op. cit.*, p. 261. One French institution bore the inscription, "No expression of compassion here, please." *Ibid.*

²³⁹. However, there must be a reason for the following statement, found in Best, *Blindness*, p. 208: "In the schools for the blind as a rule the mingling of pupils of opposite sexes is permitted only under careful supervision, in some an almost complete separation of the two being effected. In other organizations for the blind restrictions are often placed upon the meeting of such unmarried

arise from their tactile way of "seeing." Certainly most of them cannot escape the complexes of minority life: envy, suspicion, pessimism, resentment. The stabilizing support of marriage is largely denied to them,²⁴⁰ especially to the female blind. Living with auditory notions and from auditory stimuli,²⁴¹ they are cut off, by such simple physical conditions as the silence of a New England Sunday or the muffled noises of a snowy winter day, from the world of known impressions—a frightening experience. Listening to the unmasked voices of other people with anxious acumen—their variations of tonality, strength, and tempo—they seem to "see" personality traits which escape normal people. It is scarcely their fault if they often arrive at discouraging conclusions.²⁴² The blind are real "seers" of speech.

The delinquency of the blind is not of practical importance.²⁴³ Yet there are nuances in the inability to use the all-important sense of vision.²⁴⁴ There is the man who has lost one persons." How does the tendency to introspection, often noticed in the blind, operate in this respect?

240. The following figures, given by Best (*idem*, p. 203), prove the reduced marriage opportunities of the blind in general and of the female blind in particular.

Ratio of Married Persons, 1920

		<i>Per Cent</i>
Males	Population	59.4
	Blind	45.1
Females	Population	60.7
	Blind	25.7

There is an outspoken prejudice among the blind against marriage with their kind. "Among the associations of alumnae of certain schools there is an agreement that if one of their number marries a blind person, her name is to be dropped from the rolls." *Idem*, p. 208.

241. One blind man called it his "auditive horizon." Villey, *op. cit.*, p. 247.

242. Villey relates (*op. cit.*, p. 337) that the blind are commonly supposed to be pessimistic during the years from 15 to 30. Would this be a retarded puberty?

243. That blindness and nervous disorder have a common causative basis is no rare occurrence. Dr. Stanley reports such a case: "Charlie walks across the room, feeling his way. He is nearly blind with syphilis. He found his wife guilty of infidelity. In turn she taunted him with his blindness and declared he was not the father of her children. He killed her and was condemned to hang, but his sentence has been commuted.

"Treatment that halted the ravages of syphilis would have prevented Charlie's blindness and probably kept him from murder." *Op. cit.*, p. 69.

244. Goneril, King Lear's eldest daughter, expresses her love to the old father thus (*King Lear*, Act I, sc. 1):

"Sir, I love you more than words can wield the matter;
Dearer than eye-sight, space and liberty."

eye, who has a partial disability or a temporary handicap which he fears may lead to blindness. All their manifold difficulties can only be understood when we become alive to the most serious and massive manifestation of the handicap.

In primitive times the blind did not survive. One-eyed mythical figures thus prevail as the nearest type.²⁴⁵ The god Odin is one-eyed. Lyncurgus is reported to have lost an eye through being hit with a stick. The famous Roman Horatio Cocles had either lost an eye in war²⁴⁶ or bore the name because he looked like a cyclops; he had a negligible space between the eyes, with the eyebrows joined, appearing as one. The problem of the one-eyed has been partly solved so far as appearance goes by the makeshift of the glass eye. Industrially the one-eyed person is adequate, although socially he may be handicapped and an element of insecurity may arise from the loss of perspective and the one blind side in various social or practical situations.

8. *Strabism*

From being considered a local affection of visual or muscular origin, strabismus has come to be recognized as an affection of the central control²⁴⁷—that is, the nervous system. This change of view tends to bridge the gap between the mere ocular defect of accommodation and the concomitant patterns of conduct indicated by countless proverbs of all nations in this connection.²⁴⁸ O. Wilkinson writes, "We have seldom seen a child with functional strabism who did not show some general nervous instability in addition to the crossed eye. If one examines into the family history of squint cases, one or both parents are neurolog-

245. The blind Teutonic god Hod, a giant of tremendous strength, represents the lightless winter or war, and is only symbolic as contrasted with other gods whose lives and actions are developed in detail.

246. Pais, *op. cit.*, p. 157.

247. Deloge's theory according to Oscar Wilkinson. See the latter's *Strabismus. Its Etiology and Treatment* (Boston, Meador Publishing Company, 1943), p. 45.

248. For instance, the Italian proverb quoted by Lombroso, "El guerzo xe maledetto per ogni verso." ("The squint-eyed are on all sides accursed.") Lombroso Ferrero, *op. cit.*, p. 50. Claud Alley Worth relates that in former times "an evil disposition" was considered the cause of squint. *Squint: Its Causes, Pathology and Treatment* (Philadelphia, P. Blakiston's Son & Co., 1921), p. 47.

ically deficient in some respects. Here we see our heredity playing its part on the constitution, if it is not expressed in a crossed eye."²⁴⁹

In strabismus we meet, besides other causes, the effects of acute illnesses such as whooping cough, measles, scarlet fever.²⁵⁰ Injury at birth plays its role; heredity operates in a large number of cases.²⁵¹ Fright, malnutrition, general nervousness are additional causative factors.²⁵² That there are numerous types and degrees of deviation of the visual axis need not be emphasized.

Since the vision of the eye which is not being used for fixation is almost invariably suppressed,²⁵³ the various German terms *Scheele*, *Schiele*, *Schelcher*, *Schelble*, all meaning both "the cross-eyed" and "the one-eyed,"²⁵⁴ do quite correctly present the situation, for the cross-eyed person is thus partially blind.

Books on strabism do not give figures on the frequency of the defect. Marro give 4.0% in the general population.²⁵⁵ According to Salsetto²⁵⁶ the rate of incidence of the cross-eyed for certain selected criminals was

	<i>Per Cent</i>
Among 100 infanticide women	7.5
Among 20 poisoners	10.0

Lombroso writes that the percentage of strabism among delinquents is 8.5, among prostitutes 5, and normals 4, "while as

249. *Idem*, p. 47.

250. *Idem*, p. 58. "The mode of action in these illnesses is probably as follows: The child's general condition is below par, and the nervous system is suffering from both the fever and the toxemia from specific infection present. He is given something to play with or something to read, and in making an effort to see distinctly with an already weakened accommodation, the extra effort probably upsets the delicate nervous relation between accommodation and convergence." *Idem*, p. 59.

251. *Idem*, p. 59. Worth notes, "In 1,373 cases of squint . . . there was a history of squint in parent, grandparent, brother, or sister of the patient in no less than 711, or 51.78 per cent." *Op. cit.*, p. 59.

252. Wilkinson, *op. cit.*, p. 60.

253. Worth, *op. cit.*, p. 80.

254. Friedrich Kluge, *Etymologisches Worterbuch der deutschen Sprache* (Berlin, 1934), p. 511.

255. Lombroso, *The Female Offender*, p. 79.

256. *Idem*, p. 87.

regards criminals the greater frequency is in thieves (16%) and in poisoners (10%).”²⁵⁷

Strabism is a handicap to come delinquent activities²⁵⁸—as prostitution or the confidence game. In viewing the problem, which has been approached with scientific accuracy or statistical material of adequate magnitude, it may be said again that strabism must be considered the symptom of a former or persisting affection of the nervous system. Thus a parallel manifestation may possibly be delinquency. A secondary causative factor may be found in the emotional conflict or economic difficulties which often accompany the ailment.

There is no recent study on strabism and delinquency as two symptoms of a common central lesion. The picture of the born criminal as sketched by Morselli²⁵⁹ (“deviazione della oesce nasali . . . le sopraciglie riunite . . . strabismo”)²⁶⁰ is still an unproved generalization. It is true that we have some reports of cross-eyed murderers in American and German criminal literature.²⁶¹ A squinting, unreliable-looking prisoner is less likely to benefit by possibilities of reprieve than a handsome one.²⁶² Sometimes, as with any craven personality, the worst type saves his skin by turning state’s witness. In one case described by Donald Lowrie two boys killed an old man for money. One of them, an 18-year-old, was hanged; the other got a life sentence. Lowrie comments, “This cross-eyed boy was the partner of the boy whose body was swinging back and forth in the execution room above. Both boys had been guilty of the same crime. . . . The cross-eyed boy had ‘turned State’s evidence.’ ”²⁶³ For so-called practical reasons the state, as the guardian of jus-

257. *Idem*, p. 80. “Strabism, or squinting which is recognized as common among the neurotic, was . . . found prevalent by Laurent, as it has by other investigators among criminals elsewhere.” Ellis, *The Criminal*, p. 122.

258. Occasionally such nicknames as “Cockeye Curly” are met with in police files. Corey, *op. cit.*, p. 283.

259. Enrico Morselli-Agostine, *Trattato di psichiatria* (Milan, 1906), p. 372.

260. There are many degrees, often scarcely perceptible, of incoördination of the eyeball muscles.

261. As in the murder case of Charles Simpson in San Francisco in 1931 (Catton, *op. cit.*, p. 148) and the German cases of Döpke and Grandi, both murderers of boys. Wosnik, *op. cit.*, I, 145 and Krafft-Ebing, *op. cit.*, p. 78.

262. “It is interesting to see the attention that good-looking condemned men receive from outside. Women, swayed by the maternal urge to comfort, or the ever-present impulse of romance, flock to his rescue with platitudes of injustice.” Stanley, *op. cit.*, p. 46.

263. *Op. cit.*, p. 263.

tice, sometimes hangs the one and spares the other. One is led to wonder whether in the long run this practice is really practical.

A slight but conspicuous defect such as strabism can determine the destiny of a woman when isolation and climacteric strain are added. To overcome the unfavorable personal impression additional efforts are needed, caution must be thrown aside and a forced and shortened approach made in personal matters. It is obvious that a woman in such circumstances may easily be victimized. Most instructive in this respect is the case related by Ferrier. He was called by a Miss B.:

. . . an elderly spinster, living in a large house. She kept three maids. Her story was that she had been defrauded of a large sum of money. . . . She was abnormally stout, with a swarthy, sallow complexion, uncomely face, disfigured with an abnormal squint, and lacking in attraction. Nevertheless, she was obsessed with the idea that her charms were irresistible, . . .²⁶⁴

How she answered an advertisement in a matrimonial paper and was finally duped by a shrewd swindler may be read in Ferrier's report.²⁶⁵

9. Stuttering

Stuttering "frequently appears after whooping cough . . . scarlet fever, measles, influenza, intestinal troubles, scrofula, rickets" and other ailments causing bodily and nervous exhaustion.²⁶⁶ A neuropathic disposition is seldom absent.²⁶⁷ Stuttering is different from stammering, by which is meant here a "negligent lisp- ing." ²⁶⁸ Some anthropologists have confused the two forms of speech disturbance.²⁶⁹

264. *Crooks and Crime*, p. 122.

265. The bigamist she met had "posed as a man of means and a retired tea planter, who wanted to settle down with a nice sensible woman, not of the frivolous, giggling modern type." *Idem*, p. 123.

266. E.W. Scripture, *Stuttering, Lipping and Correction* (New York, The Macmillan Company, 1926), p. 8.

267. *Ibid.*

268. *Idem*, p. 44.

269. Ellis for instance, without mentioning "stuttering," reports that Baer found the percentage of stammering among Berlin criminals to be 2.3%, "a

Stuttering is a neuropathic abnormality chiefly of the upper classes and the male sex.²⁷⁰ According to folklore a child should not be allowed to look into a mirror or he will learn to stutter or stammer.²⁷¹

The infectious origin of many forms of stuttering explains its coincidence with some cases of mental deficiency,²⁷² but the underlying neuropathic disposition accounts for the high degree of imitation which may come into play, and the contagiousness of stimulating surroundings.²⁷³

The criminological problem of the stutterer has a positive and a negative side. He could not, of course, be a confidence man whose whole strategy rests on fast and ingenious talk. It is hard for him to "declare" his love, and for this reason normal relations with girls are rendered difficult. Isolated by his condition the stutterer may resort to violence against girls under age.²⁷⁴ But in all forms of delinquency which require association and coördination he is useless. No gang would rely on a stutterer, who by his very defect is conspicuous and easy to trace. Few stutterers are met in prison.

The social situation of a stutterer, on the other hand, is lamentable. There seems to be what may be called a stutterer's character;²⁷⁵ his attitude toward other people is seriously impaired. Most vocations are barred to him. "The examiners of immigrants at New York City," reports Scripture, "often refuse admission to stutterers on the ground that they are liable

much larger proportion than any statistics give for the ordinary population." *Op. cit.*, p. 122.

270. "The statistics show from 1-2 per cent of stutterers among school children. A smaller percentage in the lower classes becomes trebled in the higher ones. Marked increases are found at the period of second dentition and puberty. The relative frequency among boys and girls ranges from 2-1 to 9-1." Scripture, *op. cit.*, p. 9.

271. Wuttke, *Der deutsche Volksaberglaube der Gegenwart*, p. 392. Also: "Don't drum on the mouth of a crying or singing child, or he will stutter."

272. Wildenskov, *op. cit.*, pp. 74, 103.

273. "A boy thinks it fun to mock a stutterer, and ultimately finds that he himself cannot stop stuttering. A stuttering parent nearly always has one or more stuttering children. Even when the parent had stopped stuttering in youth, there are usually enough traces left in his speech . . . to start the child stuttering. Stuttering has been known to develop in a child from playing with a deaf-mute who talked with difficulty." Scripture, *op. cit.*, p. 8.

274. A rapist told Leppmann that he "did not know how to approach girls, since he stuttered." *Op. cit.*, p. 70.

275. Healy, *The Individual Delinquent*, pp. 220-222.

to be unable to make a living and likely to become public charges.”²⁷⁶ Excessive stuttering has been made the basis of divorce for cruelty.

Healy is certainly right in looking upon the tendency to stutter as a disorganizing factor.²⁷⁷ The stutterer quits the group which derides him and is attracted by company which tolerates his defect, where he may compensate by some superior achievement or qualities. He is apt not to mind whether these associations are “inferior,” provided they are more tolerant and congenial. Many stutterers are prototypes of the discouraged human being, similar to the ex-convict who wants to go straight but is defeated again and again by overwhelming odds. This state of mind is highly dangerous to society as well as to the subject, being conducive to a false bravado, to suicide, and to attitudes of surrender to hostile circumstances.

Every social and biological phenomenon has a quantitative and a qualitative side. Stuttering is many times more frequent than other important defects,²⁷⁸ yet represents only about one tenth of the great mass of speech defects.²⁷⁹ According to the White House Conference Report on the subject published in 1937, the distribution of types of speech defect per 10,000 cases is as follows:²⁸⁰

Oral inactivity	4,851
Articulatory disorders on a structural basis	1,059
Stuttering	1,029
Sound substitution	1,014
Voice disorders on a functional basis	1,014

The estimates as to the extent of speech disorders vary.²⁸¹ The Report indicated that “about 1,000,000 school children between the ages five to eighteen were so defective in their ability to

276. *Op. cit.*, p. 2.

277. *Op. cit.*, p. 221.

278. “Rogers estimated the number of stuttering children in the United States is five times as many as the combined numbers of blind and deaf children.” Pintner et al., *op. cit.*, p. 337.

279. There are, moreover, degrees of stuttering only noticeable to the speech correctionist.

280. Pintner et al., *op. cit.*, p. 321.

281. In New York City about 5% of the school population were found to be defective in speech. In 48 of the larger cities of the United States the estimate was 6.9%. *Idem*, p. 321.

speak as to be in need of remedial treatment and training.”²⁸²

The interesting theory of Professor Lee Edward Travis, who believes that “stuttering is a result of a conflict between the two brain hemispheres,”²⁸³ may be mentioned in passing—this would be something like “speech reeling,” a disorder of speech statics.

The problem has gained more elucidation through the confessions of intelligent stutterers than by scientific study. Charles van Riper maintains that there are almost two million stutterers in the United States.²⁸⁴ He speaks of the “tricks of the brotherhood” whereby the stutterer detects his brethren everywhere, and he thinks, probably quite correctly, that because of the devices enlisted to protect his chronic hatred of exposure the “speech cripple” has been neglected.

We who stutter speak only when we must. We hide our defect, often so successfully that our intimates are surprised when in an unguarded moment, a word suddenly runs away with our tongues and we blurt and blat and grimace and choke until finally the spasm is over and we open our eyes to view the wreckage.

We have many ingenious tricks for disguising or minimizing our blocks. We look ahead for “Jonah” sounds and words, so-called because they are unlucky and we envy the whale his ease in expelling them. We dodge the “Jonah” words when we can, substituting non-feared words in their places or hastily shifting our thought until the continuity of our speech becomes as involved as a plate of spaghetti.²⁸⁵

282. *Ibid.*

283. “According to Travis the central nervous system functions under a dominant gradient which is located in the left brain hemisphere for right-handed people and in the right hemisphere for left-handed people. Cerebral dominance is necessary for properly coordinated muscular activity. If there is interference with natural cerebral dominance as a result of brain injury or disease, or an original lack of such dominance because both brain hemispheres are equally potent in their ability to send out nervous currents to control muscular activity, a conflict in leadership will result. . . .

A change in handedness, or the development of incorrect handedness as a result of environmental pressure, is associated with stuttering because there is an interference with natural brain dominance.” *Idem*, p. 339.

284. *Do You Stutter?* (New York, Harper & Bros., 1939), p. 602.

285. *Idem*, p. 601. The author describes also (p. 602) how stutterers are forced in the direction of certain nonspeaking vocations. “Those of us who stutter on almost every word, and whose blocks are prolonged and grotesque, hunt for those rare havens where it is possible to live without talking. I know a stutterer

It is obvious that such a secret stutterer may be rendered defenseless in court by trying to conceal his handicap and thinking of arguments he can safely pronounce.

We see thus a continual effort of stutterers and stammerers not to be found out, and this struggle with an insidious enemy within the sufferer's own brain must necessarily produce a more or less warped personality. In addition, stutterers are preyed upon by countless quacks—pseudo-speech correctionists, itinerant practitioners, and commercial stuttering schools “guaranteeing” a cure.²⁸⁶ The ardent desire to be healed creates a situation in which they are easily victimized.

who is a professional hermit in the Ozarks. Another, a Ph.D. who made a brilliant showing in his chosen scientific field, is a night watchman.”

286. *Idem*, p. 603.

CHAPTER IV

Psychological Variables

THE combination of sections on tattooing and criminal slang under the same general heading as a brief discussion of grades of intelligence in delinquents requires a few words of explanation. I am inclined to regard tattooing as a definite symptom of mental retardation, or at least unfinished personality, indicative at the same time of specific environmental elements of a primitive nature, such as warfare, hunting, navigation, butchering, and so forth. Although criminal slang sounds colorful and sometimes has an artistic touch, it is an impoverishment of our mental equipment by word symbols. It shows that the interest of the criminal enters on few human relations and few social conditions. In these restricted spheres of his emotional life he is inventive, but the coldness and detachment of his feelings lend him shocking and brutal images and expressions. The wilful and permanent use of slang again indicates a primitiveness and singleness of interest or purpose, and that emotional rarification which may be the initial stage or last phase of a pathological process.

When we study the defects of what, with happy simplification, we call "intelligence," emotional ingredients are visible at every step. Strong feelings obscure or sharpen the intellectual performance. Tattooing, slang, and "intelligence" may therefore be discussed as a coterminous group. It is obvious that there are many other psychological variables, as: dress, and the relation to food, drink, drugs, games, friends, women, animals, books, music, and other stimuli, but there can be no psychology of "the" criminal—only of specific criminal types.

1. Intelligence

Whatever the shortcomings of our intelligence tests—their dependence on memorized material and the mastery of certain linguistic symbols, etc.—they have at least done away with one of our superstitions, to wit, that mental deficiency is a direct

cause of crime. Intelligence is, of course, a vital weapon in the struggle for life. But it does not appear to reduce criminal tendencies; on the contrary, it seems to play a considerable role in protecting the shrewd perpetrator from the grip of law-enforcing agencies. In the balance between beneficial and detrimental effects the profit from high intelligence seems to lie with the undetected and unsentenced criminal. To this degree intelligence may be called a crime-furthering element by contrast with dullness or feeble-mindedness.

Healy's observation that "the population of any institution for offenders represents only those who have been caught," and as far as juveniles are concerned that "institutional inmates are nearly always those who were found not to succeed on probation"¹ will be confirmed by everyone who has some practical knowledge of criminal affairs and conditions. When Augusta Bronner studied 500 unselected cases of juvenile offenders as they were brought to the Juvenile Detention Home (already a selective process) she found that in "certainly not more than ten per cent of the cases could the children be denominated mentally defective."²

Clemmer came to the conclusion that "the inmates of our prison are essentially of the same intellectual capacity as the general population."³ In Kahn's 2,058 Sing Sing inmates the arithmetical mean of mental age was 13.065, approximating the average M.A. rating of the drafted American soldier during the first World War, which was 13.77.⁴

Of course "the inmate" is a generality which must be broken down. There are, in the first place, impressive racial differences, as shown by the following figures:

Intellectual Capacity of 2,295 Prisoners by Race⁵

	White	Negro
Superior, very superior	6.7	0.8
High average, average, low average	51.8	19.9
Borderline (dull normal)	25.2	35.8
Mental defectives	16.3	43.5

1. William Healy, *Honesty: a Study of the Causes and Treatment of Dishonesty among Children* (Indianapolis, Bobbs-Merrill Company, 1915), p. 121.

2. *Idem*, p. 122.

3. Clemmer, *The Prison Community*, p. 43.

4. Kahn, *Sing Sing Criminals*, p. 83.

5. Clemmer, *op. cit.*, p. 45.

The mental deficiency of the Negro should be investigated with improved techniques. One wonders how far the assertion is true that results of this sort are mostly the fruit of casualness or deception and deliberate slanting on the part of the investigated subject? ⁶ Is it more convenient or useful to appear mentally defective than to seem superior and thus more dangerous?

Looking at various types of criminals we see that the average gives a wrong picture. There are startling variations, as shown by this table:

Felons Received in Illinois State Penitentiary⁷

2,937 Prisoners

1939 and 1940

by Type of Offense and Intelligence*

<i>Type of Offense</i>	<i>Total</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>Not Reported</i>
Murder	100.0	52.3	35.1	11.9	0.7
Robbery	100.0	39.0	40.7	30.0	0.3
Burglary	100.0	36.1	39.2	24.5	0.2
Larceny	100.0	34.8	40.8	24.3	0.1
Embezzlement, fraud	100.0	25.0	33.0	41.0	1.0
Rape	100.0	48.6	35.6	15.1	0.7

* Intelligence categories represent: *A*, mental defective, borderline defective, and dull; *B*, low average, average, and high average; *C*, superior and very superior.

The low intelligence of murderers and rapists is conspicuous, as is the superior intelligence of embezzlers and organizers of fraud. The question arises whether admitted murderers have been detected, arrested, and convicted simply by reason of their lack of intelligence, and whether the confidence men fare so well in the tests just because they are by profession, as it were, vain and formally shrewd. Many of them for the same reasons evade capture in the first place: however, the lowest stratum of them still remains somewhat superior. The intelligence tests might be used as a check in some of our legal distinctions—the much discussed notion of auto “theft,” for instance.

6. The suspicion of the prisoner that the results of tests may bear on his release or his prison job is obviously not quite unjustified. With the advent of the lie detector this distrust has increased. To appear “highly intelligent” is, in certain crimes at least, evidence of guilt and no commendable quality in a prisoner who protests innocence or pleads that he is a victim of circumstances.

7. *Statistical Review of State Prisons and Correctional Schools* (State of Illinois, 1940), p. 40.

Intelligence and Two Related Offenses⁸

<i>Intelligence</i>	<i>Larceny 721 Prisoners</i>	<i>Auto Theft 151 Prisoners</i>
Mental defective	5.1	0.7
Borderline defective	9.3	9.3
Dull	20.4	13.9
Low average	12.4	13.9
Average	20.5	27.8
High average	7.9	8.6
Superior	17.6	20.5
Very superior	6.7	4.6
Not reported	0.1	0.7
Total	100.0	100.0

The percentage of defectives and dulls is 34.8 in larceny and only 23.9 in auto theft, showing that basically different types are at work.

When Clemmer began his study of leaders in prison an old-timer gave this bit of opinion:

I think that in a well-integrated group the man who is most trusted and has the most equable disposition is the chosen leader. . . . In sports, proficiency qualifies one's fitness for leadership only if he is square, too. In anything else ingenuity in devising new pastimes or escapades qualifies it. Outstanding intellect is a liability since it is usually distrusted.⁹

On the other hand, morons may be vigorous personalities, possessing some sort of ascendancy.¹⁰ We seem to overrate "intelligence." Superior intelligence often unbalances an emotionally unstable and highly selfish individual and drives him into delinquency. The history of crime shows numerous instances of such a dangerous hypertrophy. For the most part these types know how to walk the narrow line between law and illegality, especially when they are lawyers or have had court experience of some kind.

8. *Ibid.* The figures cover inmates of the Illinois Penitentiary.

9. Clemmer, *op. cit.*, pp. 137-138.

10. See the case related by Healy, *op. cit.*, p. 137.

The low-grade moron is highly handicapped, partly because he acts in a short-circuit-like fashion, by physical annihilation or compulsion where less dangerous means would easily lead to the same result; partly because he facilitates his own detection. He presents often as an additional defect a very slight degree of caution and fear, symptoms of a weakened or nonexistent instinct of self-preservation.¹¹

The notion that the criminal we apprehend, convict, and keep in our prisons is of low intelligence was a comforting assumption for a long time. Intelligent people avoided crime because they saw it did not pay—by stressing the utilitarian point, crime prevention could be effected. The potential criminal need only be enlightened to turn to better-paying honesty.

Yet scholars came along like Carl Murchison, who maintains¹² that in terms of Alpha scores the entire white native-born criminal group studied by him were superior to the total white draft group (of World War I). Wilson and Pescor's findings on 828 prisoners admitted to Atlanta Penitentiary¹³ contradicted Murchison's results, but here the different type of prisoner in state and in federal institutions must be considered; in federal places of detention the rates of property and violent crimes are low and almost six out of ten prisoners were admitted for violation of drug and prohibition acts.¹⁴ It is evident, moreover, that conduct and intelligence are only loosely connected; many criminals have an I.Q. above 110 and a legion of honest and decent people range between 70 and 90.

Intelligence, like skill, initiative, or energy, is a mere technical instrument in the struggle of life. It depends on the emotional equipment of a man—on his character, will, and instincts—whether this faculty will be turned for or against us. The fact that it is to a certain extent measurable is no reason to overestimate its criminological significance.

11. Two youngsters murdered an old watchmaker who was supposed to be wealthy. All they found was 6.80 marks and a certain amount of cheap jewelry. They left a note near the body which read, "If we had known that we would find so little we would not have done it." Wosnik, *Beiträge zur Hamburgischen Kriminalgeschichte* (Hamburg, 1926), II, 154.

12. *Criminal Intelligence* (Worcester, Clark University, 1926), pp. 41-96.

13. Wilson and Pescor, *Problems in Prison Psychiatry*, p. 87.

14. Exactly 57%. Computed for the five-year period 1936-40 from figures in *Federal Offenders, 1940* (Leavenworth, Kans., 1941), p. 312.

2. Tattooing

The custom of tattooing,¹⁵ which had existed in all European nations but had died away, was revived at the time of the discovery of the Marquesas Islands, whose primitive inhabitants were much skilled in this art. It was first taken up by sailors in the eighteenth century. Lombroso's doctrine laid great stress on tattooing as a characteristic of the primitive, the atavistic man.

It cannot be denied that tattooing is a rather primitive form of adornment—cheap, permanent, and at the same time most embarrassing when it comes to detection and identification. Students of the subject have not in general considered the moment when the tattooing was done; it may represent the period of puberty, a moment of drunkenness, or being in love. On an older man it may represent stages of development which he has outgrown.

Tattooing in a criminal must therefore be viewed with circumspection. It may reflect elements of personality valuable to know; it may be a matter of little consequence. We have no way of comparing the frequency of tattooing in criminals with its occurrence in general population. The decoration is, moreover, nothing in itself; it is the content that counts.¹⁶ Goring's figures from the British War Office comparing tattooing among criminals with that of detachments of the British Army allow varying interpretations.¹⁷ One main objection is that a professional army—this was the British army of mercenaries before 1914—is not an equivalent of the general population.

15. Tattooing is regarded in this connection as a definite symptom of mental retardation or unfinished personality, being indicative at the same time of specific environmental forces.

16. It may be brutal or grossly indecent, may exhibit ruthless contempt of other groups, nations, races, religions, or social strata. Or it may be completely inoffensive.

17. Goring, *The English Convict* (abr. ed.), p. 90.

Proportion of Individuals Tattooed
(Per Cent)

Population	On Enlistment	At the Present Time
One battalion of line	34	52
Another battalion of line	32	58
Company of Royal Engineers	20	36
Criminals (ex-soldiers and sailors)	—	57
Criminals (not served in Army or Navy)	29	—

In opposing the thesis of Hanns Gross that tattooing is mostly found in active and energetic individuals (sailors, soldiers, butchers, lumberjacks, and fishermen), Hagemann has maintained that precisely the weak succumb to the example of a tattooing group, on ships, in hospitals, in flophouses and jails.¹⁸ A compromise may well be made between the two theories to the effect that tattooing is frequent in men with strong arms and feeble minds. From being a socially localized custom, the mark is on the way to becoming a stigma, either of the tattooed himself or of his human habitat. There is little female indulgence in the art, although Hagemann reports its incidental occurrence among prostitutes¹⁹ or on a snobbish basis in highly artistic small renderings, not dissimilar in effect from a beauty mark.

In 6,009 tattoos Vervaeck in Brussels found the following distribution of content:²⁰

		<i>Per Cent</i>
Family symbols	764	12.7
Army symbols	763	12.7
Marine	546	9.0
Love	582	9.6
Fantasy	499	8.3
Ornaments	604	10.0
Towing and rafting	478	7.9

Other tattoos referred to sport, politics, history, animals, and plants. As to connection with delinquency, only 2.7% of all subjects had police or court records.

During the Middle Ages the state resorted to judicial tattooing by way of branding. But it is not safe to rely on the permanence of tattoo marks, since they may change their color, fade, or disappear. Lapse of time, inflammation, accidents, and surgical interference are the main causes.²¹

18. Max Hagemann, "Tätowierung," *Handwörterbuch der Kriminologie*, II, 788-789. This article gives a comprehensive list of the international literature on tattooing.

19. *Idem*, p. 784.

20. *Idem*, p. 785. A classification made by Lacassagne in his Institute of Legal Medicine in Lyon shows a higher percentage of erotic symbols, but he was concerned with different human material and a different country.

21. For figures see *idem*, p. 786. More frequent than surgery are rough and amateurish efforts of the tattooed person himself, made, for instance, with a razor or a burning cigarette. *Idem*, p. 787.

Vervaeck's finding that the greater part of Belgian tattooings were family or army symbols, the latter being enlarged family, so to speak, recalls certain facts well known in the history of religions. "On embracing his religion, the Israelites must have taken 'the mark of Jahweh.' Just as each Bedouin tribe has its mark (wasm) branded on its cattle, so each deity must have had special marks borne by his worshippers."²² Cain was marked by Jahweh to protect him from enemies and spiritual dangers.²³ Lods adds, "In the East today tattooings are supposed to possess magical protective powers," and he continues, "The marks of Jahweh were worn on the hand and on the forehead, between the eyes."²⁴ . . . The custom long persisted, at least among the prophets. It fell into disuse about the period of the exile: Leviticus²⁵ . . . forbids every kind of tattooing."²⁶

During the recent war the Navy refused to induct men who were adorned with nude figures, and detattooing became a new trade.²⁷ But speaking of tattoo marks, Constance Jenkinson notes, "Their widespread use, even at the present day, as a magical protection against sickness and other misfortunes shows a general belief in their supernatural efficacy." It did not occur to those in authority that tattooing might still be in vogue with soldiers and sailors because war and seafaring are dangerous. As long as they believe in the virtue of the marking as a protective charm, it cannot be denied that its removal deprives them of a comforting sense of security. It may be the same old superstition that introduced tattooing into another hazardous business—crime.

3. Criminal Slang

When one hears of criminal slang one is inclined to think of something completely different from our normal stock of words. We forget that many words in disuse in the common tongue are perpetuated in this way,²⁸ and most of us do not know that a

22. Lods, *Israel, from Its Beginnings*, p. 324.

23. ". . . and the Lord set a mark upon Cain." Genesis 4:15.

24. ". . . a sign unto thee upon thine hand, and for a memorial between thine eyes." Exodus, 13:9.

25. "Ye shall not . . . print any marks upon you." Leviticus, 19:28.

26. Lods, *op. cit.*, p. 325.

27. "Tattooing," *Encyclopaedia of Religion and Ethics*, XII, 211.

28. On such archaisms in German criminal slang see L. Günther, *Das Rotwelsch des deutschen Gauners* (Leipzig, 1905), pp. 49-51. "Then there are

good many of our colloquial terms are taken over from slang. The term "pal" for instance comes from the gipsy slang, is related to the Sanskrit word for "brother," and has been completely accepted colloquially in the United States. Slang, even criminal slang, is thus a part of the living language and Lombroso's theory that it is one of the atavistic marks of the delinquent, similar to the language of savages and betraying the lack of moral sense in these "physically and psychically stunted organisms,"²⁹ must be critically considered. It must be said, however, that the sections of his work dealing with slang and other intellectual manifestations of a criminal disposition³⁰ are elaborated with an abundance of material (mostly from French and Italian sources), and are of a fascinating originality. That his theory of criminal slang contains many brilliant hypotheses, some of them indisputable, is conceded by all his opponents.

Slang, *argot*, *Rotwelsch der Gauner*,³¹ or *gergo*, has been called by Victor Hugo "une excroissance malade" ³² of the common language.³³ Yet it is one of the protective devices of nonintegrated groups in our midst. At a certain stage of history these groups may join the fight for progress, as with the Russian revolutionaries or the underground patriots during the Hitler era. At other times they are just hobos, smugglers, peddlers, or delinquents. They use a semisecret language so that outsiders shall not look into their professional game.³⁴ A simi-survivals (not always of the fittest) from the tongue of our Teutonic ancestors, so that Dr. Latham, the philologist, says—: "The thieves of London" (and he might still more have said the professional tramps) "are the conservators of Anglo-Saxonisms." Ellis, *The Criminal*, p. 162.

29. Lombroso Ferrero, *Criminal Man*, pp. 42, 28.

30. In 1888 Lombroso wrote a book on prison inscriptions, *Palimsesti del carcere*, which was translated into French and German but not into English. Ellis has an interesting chapter on prison inscriptions. *Op. cit.*, pp. 169-176.

31. *Gauner*, from the Hebrew *Janah*, cheat. See Günther, *op. cit.*, p. 5, and Kluge, *Etymologisches Wörterbuch*, p. 189. "Rotwelsch . . . the jargon of outlandish peddlers." Günther, *op. cit.*, p. 6.

32. "Une langue dans la langue . . . chaque race maudite a déposé sa couche." *Ibid.*

33. The term "slang" certainly has a connection with "sling," an instrument by which missiles are thrown. See the German term *Dreckschleuder* for a man who backbites. "Slang is still used in the sense of strap, rope or chain in the slang of English criminals." Ellis, *op. cit.*, p. 213.

The French word *argot* has been explained by Génin as derived from "jargon" and, further, from the Greek *iëros*, "sacred language," the language of the initiated. *Grand dictionnaire universel Larousse* (Paris, 1866), I, 610. Webster's derivation of "jargon" differs.

34. It has about the same effect as a foreign language. "Many attempts were made by myself and others to get into contact with someone who could give

lar protective slang is found among Chinese, Malays, and Bushmen.³⁵ This is not very different from the mysterious signs by which shopkeepers adorn their price tags and which only they can read.³⁶

Secrecy is only one element in the genesis and survival of slang. It appears to me that the three main forms of slang, the jargon of soldiers, students, and criminals, have one thing in common: they are used by youthful strata, and a certain resemblance to the language of the initiated is manifest. The directness and the abundance of all words regarding sex are a reflection of age conditions. Soldiers, students, and delinquents are for the most part in a creative period of life, and this fact may explain the tendency to neologisms and exuberant innovations in the sphere of linguistic expression.

It would be incorrect to assume that there are not brisk exchanges between the three realms of slang. In the fifteenth and sixteenth centuries a large proletariat of students, the *fahrende Schüler*, lived largely by fraud, often ending in genuine crime.³⁷ They were tramps, alchemistic swindlers, professors of necromancy, and quacks disposing of infallible remedies.³⁸ The church frowned harshly on these elements and excluded them from the sacraments; typical of them was the famous legendary Faust. Periods of long-lasting wars, on the other hand, such as the Thirty Years' War, carried many expressions of soldier's slang into the criminal jargon,³⁹ an evidence that large numbers of dismissed soldiers took refuge in the tremendous army of tramps and criminals.

Criminal slang must be considered above all as a professional jargon. Peasants, hunters, seamen, artisans, miners, chauffeurs, us a hint of the secrets of the gang. This was far from easy . . . they were a clannish lot. Quite apart from their natural caution, most of them knew but little English and spoke mainly in some obscure German dialect." Wensley, *Forty Years of Scotland Yard*, p. 44.

35. Richard Lasch, "Über Sondersprachen und ihre Entstehung," *Mitteilungen der Anthropologischen Gesellschaft* (Vienna, 1907), XXXVII, 89, 140 ff.

36. The peddlers of the Palatinate, for instance, although gentiles, use Jewish numeral adjectives for business purposes. A. Friedrich Kluge, *Bunte Blätter, Kulturgeschichtliche Vorträge und Aufsätze* (Freiburg, 1908), p. 141.

37. *Idem*, chapter entitled "Die fahrenden Schüler," pp. 61 ff.

38. "Sunt quidam scholastici, qui cum nullius bonae frugis sint neque operis nec studeant nec laborare velint, vagantur hincinde mendicando variisque artibus et illusionibus atque praestigis simplices rusticos circumveniunt dicentes se fuisse in Monte Veneris (nescio quae mentientes) ubi omnem magiam didicerint." A humanist writing of 1508 as quoted by Kluge. *Idem*, p. 62.

39. E. Höpler, "Gaunersprache," *Handwörterbuch der Kriminologie*, I, 490.

flyers—all have their own language. But such groups have not only their peculiar working conditions and tools; they have also their special social status, special conflicts, frustrations and aspirations, allies and enemies. All of them have an offensive and defensive philosophy of their own which they assert by shaping and using special words.⁴⁰ They discount their own failures, are clairvoyant as to the weaknesses of their foes and competitors. Need one wonder that criminals have evolved the most elaborate and radical view of life as expressed in their own particular language, since more than any other group they feel disinherited and dispossessed?

When Lombroso noticed the brutality of the criminal jargon, interpreting it as proof of the lack of moral sense, he did not consider the embattled situation in which criminals exist within society, and which is bound to produce a high degree of tension and strong language.

It may be remarked here that the factor of secrecy and the professionalism of the jargon enter into close combination, since there are many things to be kept secret. All the many terms by which criminal activity is made the equivalent of normal life and work, collected by Lombroso and others,⁴¹ serve to camouflage these activities. At the same time there is a psychologically defensive and defiant tone in this transfer: the criminal asserts that what he does is as much "work" as any other honest job. His language is full of words for police, judge, and warden,⁴² and he naturally does not want to be understood by everyone; yet in all these expressions there is an aggressive depreciation and thereby a self-justification. His jargon is a means of maintaining his spiritual balance and challenging the moral self-

40. What happens to the mind of fighting nations during a war is merely an enlarged picture of the situation which prevails in the everyday social struggle. It is interesting to note that total war immediately introduced some items of criminal slang into the language of the newspapers and commentators; the much-used term "wiped out" is criminal jargon.

41. "In French criminal jargon conscience is called 'la muette,' the thief 'l'ami,' and 'travailler' and 'servir' signify to steal." Lombroso Ferrero, *op. cit.*, p. 28.

42. The jargon of students has the same variety of expressions for police and the *pedelle*, proctor's men, and night watchmen. A. Friedrich Kluge, *Deutsche Studentensprache* (Strasbourg, 1895), pp. 17 ff. Other foes of the medieval student were the journeymen of the city and the nonacademic inhabitants, called "Philistines" for this antagonism. For their place in the students' jargon see *idem*, pp. 16-17.

righteousness of his foe and oppressor, the respectable world.

In one way or another all three groups—soldiers, students, and delinquents—are in a sense “oppressed” groups. They are, or feel, oppressed—that is to say, inhibited and held down in one way or another—to begin with, because they are a young section of the population. They have a further sense of oppression because they stand more or less outside the great bulk of bourgeois society and represent economically parasitic existences: the soldiers living from the state, the students on their parents, the criminals on the multitude of suckers. This subtle antagonism is one reason soldiers have so many slangy terms for their superiors, students for *philisters*⁴³ and other money-making, peace-loving people; delinquents for the “hoosier.”⁴⁴

That all of them, in spite of this imperfect world, feel superior and say so is evident. It is an outgrowth of the juvenile mentality, which suffers slightly from ideas of grandeur. The German criminal calls himself a *Kochem* or *Kochemer*, meaning the “smart” one or “wise.”⁴⁵ Not only does the soldier develop a high self-esteem, but modern war propaganda gives it powerful life.⁴⁶ Student songs in general stress the fact that only the student is the true human being.⁴⁷

The weapon is of special interest to the soldier,⁴⁸ the tools to

43. Philisters are all the nonstudents or townsmen.

44. “The term which seems unique in the prison is the word ‘hoosier.’ A ‘hoosier’ seems to be any person, inmate, or otherwise, who is objectionable. More specifically, it is used for stool pigeons, stupid persons, and officials. . . . its etiology could not be learned.” Clemmer, *op. cit.*, p. 90. Forty years before Clemmer, Josiah Flynt in his *Tramping with Tramps* (p. 394) wrote, “Everybody who does not know the world as the hobo knows it is to him a ‘farmer,’ ‘hoosier,’ or outsider.” Clemmer thinks that the term has no reference to Indiana, the Hoosier state, but why should it not have?

45. Günther, *op. cit.*, p. 18.

46. Aus der Welt die Freiheit verschwunden ist,
Man sieht nur Herren und Knechte,
Die Falschheit herrschet, die Hinterlist
Bei dem feigen Menschengeschlechte;
Der dem Tod ins Angesicht schauen kann,
Der Soldat allein ist der freie Mann.

Schiller’s “Soldatenlied,” 1797.

47. See the song, “Gaudemus igitur
Juvenes dum sumus,”

hitting in the last verse at the *philister* with a “*pereat . . . quivis antiburschius*” (“Perish the foe of the student!”).

48. Many slang names were given to tanks and planes during the first World War; the machine gun was called “woodpecker.”

the criminal,⁴⁹ matters of learning, drinking,⁵⁰ and making love to the student—small wonder that slang is ever creative in these fields. To the hobo it is hunger and food and the lodginghouse.⁵¹

The use of euphemisms by criminals and prostitutes is not particularly characteristic for these groups, despite Lombroso's theory. Among euphemisms mentioned by Günther are numerous terms of Hebrew origin.⁵² The descent of these words into German criminal slang in addition to Romany, French, English,⁵³ and Italian terms was noted as early as Luther's time in the great cleric's edition of the *Liber Vagatorium*.⁵⁴ "Hebrew, or rather Yiddish," Lombroso observes, 'supplies the half of Dutch slang, and nearly a fourth of German, in which I counted 156 out of 700, and in which all the terms for various crimes (except *band-spicler* for a cheater at dice) are Jewish.'"⁵⁵ The explanation must go back to the persecutions of Jews and the discrimination against them, which pushed them into the camp of other fighting "undergrounds."⁵⁶ With their emancipation the expression of criminality among European Jews completely changed; it decreased numerically and became transformed into the type and scope of criminality characteristic of the wealthy classes in general.

An attempt to trace Jewish terms in American criminal slang does not yield much. There is one interesting instance: the word

49. A big crowbar is called by the German burglar "Reb Mausehe," which means in Hebrew the prophet Moses and demonstrates that this is as important to the criminal as the books of Moses to the believer. The French burglar calls the picklock "Monseigneur" (as I see it, the Almighty) or "roi David" or "archequin" (dancer before the holy ark). "David" means in Hebrew "the beloved." Kurella, *Naturgeschichte des Verbrechers*, p. 221.

50. A large catalog of names for beer is to be found in Kluge's *Deutsche Studentensprache*, pp. 22-25.

51. To the tramp, of course, slang expressions for railroad material and personnel are requisite. See the glossary in Flynt, *op. cit.*, pp. 392-398.

52. *Op. cit.*, pp. 17 ff.

53. On the migration of the term "swindler" from London to Germany via Hamburg, see Kluge, *Bunte Blätter*, pp. 142-144.

54. Günther, *op. cit.*, p. 25. *Dallinger* or *Dollinger*, meaning "hangman," from the Hebrew *talah*, "to hang," and the term *Dolman*, "gallows," from the same root are already found in the *Liber Vagatorium*. On the slang words *Daljone*, *Demmer*, *Dollmann*, *Kaffler*, *Talien*, all of Hebrew origin and designating the hangman, see Else Angstmann, *Der Henker in der Volksmeinung* (Bonn, 1928), pp. 11, 15, 31, 58.

55. Quoted from Ellis, *op. cit.*, p. 168.

56. Günther, *op. cit.*, p. 25.

"cannon." According to Irwin it means clever thief or pick-pocket⁵⁷ and comes doubtless from the Yiddish. The Hebrew root is *gonoph*, "thief," and as *gannove* it entered German criminal slang.⁵⁸ As *gonov* it came to the United States and the American underworld,⁵⁹ leaving the linguistic root behind and preserving only the meaning.⁶⁰ It was now "gun"⁶¹ or "big gun," and "son of a gun," which means the descendant of a crook as "son of a bitch" means that of a lewd woman.

In the history of London crime the old police headquarters seems to have gone generally by the slang name "Old Jewry."⁶² The prefecture of police in Paris also in former times bore the name "La Petite Judée,"⁶³ Whether the ghetto may at some earlier time have been in that part of the city in each case, or what other transfer of idea led to the name, we cannot determine here.

One should not forget, finally, that any professional slang is a unifying symbol, like a common dress (blackshirts, etc.); it is the linguistic party badge, its mastery the final criterion of status. When Flynt met two young leaders at the hangout of a juvenile gang near Cincinnati, their qualifications seemed to lie in the tough air they put on and in their mastery of the jargon.⁶⁴

In an attempt to measure in some degree the psychological significance of slang, Clemmer has recently classified as to content 1,063 slang words and terms used by prisoners in biographies and conversations, and computed the percentages.

Clemmer says, very correctly, I think, that slang apart from the prison vernacular is much the same among prisoners as among the corresponding class—that is, the lower strata—of

57. Irwin, *American Tramp and Underworld Slang*, p. 47.

58. Kluge, *Wörterbuch*, p. 184.

59. Irwin, *op. cit.*, p. 87.

60. It is true that the relationship between "cannon" and "gun" is linguistically very distant.

61. "Gun . . . originally applied to pickpockets." *Idem*, p. 93.

62. "You will have to go to Old Jewry (the headquarters)." Wensley, *op. cit.*, p. 171.

63. "Est-ce que parce qu'elle est située rue de Jérusalem, ou que les malfaiteurs la considèrent comme peuple de Judas?" Francisque Michel, *Dictionnaire d'argot ou études de philologie comparée sur l'argot* (Paris, 1856), p. 242.

64. "They talked criminal slang, and had an all-wise tone that was greatly liked by the other boys." *Op. cit.*, p. 72.

Classification of Terms in Fairly
Common Usage in Prison.

	<i>Per Cent</i> ⁶⁵
Sex	10.90*
Crime	30.08
Body parts	5.54
Description of others	7.80
Alcohol	3.19
Gambling	1.22
Drugs, narcotics	3.48
Prison	32.44
Vagabondage	5.35
Total 1,063 terms	100.00

* Sex slang distributed thus:

	<i>Per Cent</i>
Homosexual	6.02
Heterosexual	4.88

normal society. The greater forthrightness common to the lower ranks of our social body, whether law-abiding or not, is obvious; there can be no question of comparing criminal slang with a cultured diction.⁶⁶

What has been called a characteristic atavism reappearing in the born criminal is, in many ways, the outcome of a somewhat atavistic activity: war.

The old time American tramp [writes Godfrey Irwin] was recruited largely from the ranks of the Civil War veterans who

65. Clemmer, *op. cit.*, p. 89.

66. "It is . . . interesting," writes Havelock Ellis (*op. cit.*, p. 168), "to find a revelation of the things in which the criminal is most intimately interested by noting the wealth and variety of synonyms for certain words. Thus Cougnet and Righini found 17 words for warders or police; 9 for the act of sodomy; 7 for plunder. French cant has 44 synonyms for drunkenness, besides 20 for drinking and 8 for wine, in all 72; while there are only 19 for water and 36 for money." And what of the 144 words for beer found by Kluge in German student slang?

The term "hot dogs" is certainly of low origin. It is recorded in T. W. Lowrie, *The Soldiers' War Slang Dictionary* (London, 1939), p. 8, and Irwin, *op. cit.*, pp. 24, 64. "Beagle," possibly with a revengeful simultaneous thought of annihilating one's mortal enemy, means the detective. The term "hot dogs" has victoriously invaded the commercial world.

found it hard to settle down to a humdrum existence, or who failed to find employment after the war; these men in turn drew others from the street gamins, who then knew no higher entertainment than listening to the exciting tales of tramp life told them by the oldsters.⁶⁷

Some Civil War terms still survive; for instance, the term "greybacks" for body lice.⁶⁸

The first World War again made large contributions to criminal slang. The word "pineapple" ⁶⁹ for a bomb came from the battlefields.⁷⁰ Such terms as "fireworks" for bombardment ⁷¹ and many words for drinking sprees, vermin, and fear⁷² became current during the bloody period of trench warfare.⁷³ Euphemisms were regarded by Lombroso as a characteristic of criminal slang. We are told that in flyers' slang an airplane engine "never failed, it always conked out."⁷⁴ Soldiers and tramps delight in countless expressions for the simpleton.⁷⁵

The terms for guardhouse are as frequent in soldier's slang as are words for prison in the criminal vernacular. In the brief dictionary of the British soldier's war slang I found these expressions for half-drunk, drunk, and very drunk: "canned," "blindo," "cut," "squiffy." Ellis quotes a passage from Joly: "While the imagination of the poet gives a soul to animate objects, the imagination of the criminal transforms living forms into things, assimilates man to animals." ⁷⁶ Yet this is exactly

67. Irwin, *op. cit.*, pp. 14-15.

68. ". . . an old, old name for the 'cooties' and coined by the Federal soldiers in the American Civil War, who found they were often seriously annoyed by the Graybacks or Southern troops." *Idem*, p. 90.

69. "A trench mortar explosive." *Soldiers' Dictionary*, p. 18. Irwin remarks, "So called, during the World War, from the segmented markings on the casing, which ensured the missile breaking up and covering a lot of ground when exploding. . . . The term, therefore, did not originate in the underworld, although it is now in common use, alike by racketeers, extortionists and police." *Op. cit.*, p. 146.

70. The air warfare of World War II undoubtedly had the same effect.

71. *Soldiers' Dictionary*, p. 9; Irwin, *op. cit.*, p. 73.

72. As the term "cold feet" for fright, etc. *Soldiers' Dictionary*, p. 6.

73. "Crack down" comes from rifle shooting "when one is said to 'crack down' when he sights and fires." Irwin, *op. cit.*, p. 56.

74. *Soldiers' Dictionary*, pp. 6-7.

75. In English military slang, "can," "loopy," "dopey"; also countless terms in the tramp's jargon—to name a few: "boob," "gill," "hick," "simple," "yap," which show the factual, though not formal, stratification of these classless societies.

76. Ellis, *op. cit.*, p. 168.

what soldiers do. "They've got their tails up," means "they are in good spirits."⁷⁷ From their yellow arm band, training school instructors were called "canaries,"⁷⁸ and staff officers wearing home service hatband and tabs received the name "red herrings."⁷⁹

Even technical innovations contribute to the development of criminal slang. It is not astounding that the tramps of 1870-80 took many terms from railroad experiences as the great lines opened up across the continent. One of these terms has entered the life of the upper crust—"high ball," the proceed signal on the line.⁸⁰ Criminal slang is thus composed of many constituents; some interpretations have been simply "wishful."⁸¹

Some slang expressions are very old. The term "fence," for instance, implying a secure enclosure for receiving stolen goods, though referring to a person, appears in Capt. Alexander Smith's "*The Thieves' New Canting Dictionary*," a chapter in his work on highwaymen, etc.⁸² English criminal slang was apparently at this time much more under the influence of continental words, of which I mention a few:⁸³

Froe—a wife, mistress, or whore.

Gelt—money. (Webster says now humorous.)

Kinchen—a little child. (Still known to Webster.)

Sack—a pocket.

Terms for victims abound ("Cull,"⁸⁴ "Hick,"⁸⁵ etc.) and

77. *Soldiers' Dictionary*, p. 22.

78. *Idem*, p. 5.

79. *Idem*, p. 19.

80. Irwin, *op. cit.*, p. 98.

81. Ellis (*op. cit.*, p. 166) quotes Lombroso as saying that French criminals call the *juge d'instruction* "*le curieux*," ("the curious"). In reality the derivation is simply from *curiaux*, men of the court. Michel, *op. cit.*, p. 131. *La juste* does not signify the court but the jury. *Idem*, p. 242.

82. Capt. Alexander Smith, *A Complete History of the Lives and Robberies of the Most Notorious Highwaymen, Footpads, Shoplifts and Cheats of Both Sexes* (New York, Brentano's, 1926), pp. 201-210. The fifth edition, from which this is taken, dates from 1719. The chapter referred to is entitled "The Thieves' New Canting Dictionary of the Words, Terms, Proverbs, and Phrases used in the Modern Language of the Thieves, etc., useful for all sorts of People (especially Travellers) to secure their Money and Preserve their Lives."

83. *Idem*, pp. 206, 207, 209.

84. *Idem*, p. 204. 85. *Idem*, p. 207.

the modern technique of pickpockets had already been developed.⁸⁶

Little is known of the slang of females or juvenile delinquents. "When I had first reached Bedford in May," writes Edna V. O'Brien, "I heard a term which was entirely new to me. That was the word bundle. . . . Some one would say, 'Oh, they're bundles.' Or, 'I'm looking for a new bundle when the next women come in.'"⁸⁷ The old New England custom of "bundling" has lent the term, though not the meaning, to another habit.

Further glossaries of criminal slang begin, for recent times, with Avé-Lallemant's *Wörterbuch der Gaunersprache*.⁸⁸ There are copious summaries of literary sources in Höpler's paper⁸⁹ and Günther's book.⁹⁰ The reader will find a complete glossary of German student language in Kluge's *Studentensprache*.⁹¹ Kurella has contributed a comparative table of German *Rotwelsch*, Polish slang, French *argot*, and Italian *gergo*.⁹² Sutherland's *Professional Thief* and Clemmer's *Prison Community* contain useful glossaries.⁹³ Flynt in his book on tramps has collected hobo expressions.⁹⁴

A comprehensive dictionary of American criminal slang, however, is still awaited. Irwin's compilation is certainly of great value, yet lacks the scientific accuracy and completeness of such a work as Michel's, published ninety years ago, which takes account of Italian, Spanish, Portuguese, German, and English criminal argot.⁹⁵

86. "Fork," says Smith, is "a pickpocket, the newest and most dexterous way" (p. 206). On the methods of pickpockets see Hans von Hentig, "The Pickpocket: Psychology, Tactics and Technique," *American Journal of Criminal Law and Criminology*, 1943, pp. 14 ff.

87. "I had learned over the ensuing weeks that this description might apply in any way from a joking reference through the scale of relationships, varying from what used to be known as a schoolgirl crush to a more serious implication of emotional interest." Edna V. O'Brien, *So I Went to Prison* (New York, Frederick A. Stokes Company, 1938), p. 187.

88. F. Chr. B. Avé-Lallemant, *Das deutsche Gaunertum* (Leipzig, 1856-62), IV, 515-625.

89. *Op. cit.*, pp. 488-493.

90. *Op. cit.*, pp. xii-xxix.

91. Pp. 77-136.

92. *Op. cit.*, pp. 224-227; a work of A. Niceforo, *Il Gergo nei normali, nei degenerati e nei criminali*, is mentioned by Ellis, *op. cit.*, p. 209.

93. Pp. 235-252 and 330-336, respectively.

94. *Op. cit.*, pp. 392-398.

95. *Op. cit.*

The industrialization of semicriminal activities in the shape of racketeering has extended the field of cant. Many racketeers operate by telephone because this mode of communication with victims keeps them outside the legal domain of efficient postal inspectors. They do not wish to be understood and have therefore developed their own slang; Ellison and Brock have compiled a brief glossary of such terms.⁹⁶ The industrialization of the racketeering business is characterized by the use of technical terms and metaphors.⁹⁷ The relationship of racketeer to victim is represented by a series of colorful expressions.⁹⁸ There are the "total salesman"⁹⁹ and the "mooch"—the heaven-sent "super-sucker."¹⁰⁰ The slang of the racketeers and black-market dealers will take its rightful place beside the criminal jargon, more forceful and more grotesque than its older brother.¹⁰¹

The slang of sex perverts is in many respects a language in itself,¹⁰² and the jargon of the drug addicts and dealers is a sign of recognition, broadening in scope as new narcotic fashions develop (the marihuana addicts already have an elaborate vocabulary).¹⁰³ Some terms, such as "dope," meaning at first the user of opiates and later any fool or simpleton, have passed into common language.

In a sense there is racial thinking and a race-conditioned way of shaping word symbols. An instance is the cant of the

96. E. Jerome Ellison and Frank W. Brock, *The Run for Your Money* (New York, Dodge Publishing Company, 1935), pp. 17-19.

97. Thus, "*Boiler Room*: A telephone room from which a battery of salesmen work an intensive sales campaign. . . . A fair-sized boiler room contains twenty telephones, with a fast talker at each mouthpiece" (*idem*, p. 17). "*Dynamiter*: A high-pressure, fly-by-night salesman. One whose eloquence is almost hypnotic." *Idem*, p. 18.

98. For instance, "lily: A highbrow synonym for sucker. Mug is the same as lily." *Idem*, p. 18.

99. "Hundred Percenter: A dynamiter who swaps something absolutely worthless for something of value." *Ibid.*

100. An overcredulous prospect who falls for your "razz." "Razz," "razoo," and "razzle-dazzle," in the sense of turning a person giddy, have the same linguistic root as "racket," meaning originally noisy talk.

101. The modern convict already speaks of the "syndicate." Clemmer, *op. cit.*, p. 336.

102. See the countless terms for sex perverts in Barrère, *A Dictionary of Argot and Slang*.

103. A brief list is contained in Robert P. Walton's *Marihuana: America's New Drug Problem* (Philadelphia, J. B. Lippincott Company, 1938), p. 195.

colored confidence man. A few terms of this vernacular have been reported by Police Inspector John C. R. MacDonald in his book on American buncos.¹⁰⁴

There is of course the slang of prostitutes and pimps. The strong-arm pimps are "guerrillas,"¹⁰⁵ their favorite game is "stuss," the go-between in the business line of prostitution is the "meckler," the man on the street corner who tries to procure trade is a "lighthouse."¹⁰⁶ When the German prostitute calls her pimp *Boppele, poupette*, "my puppy," "my doll,"¹⁰⁷ she stresses in one simple word the most significant point in their relationship: the dominant role of the girl, clearly evidenced by the fact that the majority of girls are older than their "protectors."¹⁰⁸ The endless multitude of terms characterizing the "Sunday-man" or "petticoat-pensioner" in Paris patois show the low status of the latter group.¹⁰⁹

Since statistics are always useful, it may be mentioned that according to Barrère there is in French not a single slang term for "sober."¹¹⁰ By contrast there are 80 synonyms for intoxication in French slang. Argot may even be somewhat of an indicator of values: there are 54 slang terms for money in French, 130 in English. And finally, there are in Paris 150 argot words for prostitute.¹¹¹

"American crooks are brighter, faster, more brilliant than

104. *Crime Is a Business* (Stanford University Press, 1939), p. 38. "Boss-man" means employer; any person is called "two eyes," etc.

105. George J. Kneeland, *Commercialized Prostitution in New York City* (New York, The Century Company, 1913), p. 39. A distortion of "gorilla."

106. *Idem*, pp. 90, 113, and 6, respectively.

107. See the pimp glossary gathered by Berndt van der Laan in his "Das Zuhältertum in Mannheim," *Monatsschrift für Kriminalpsychologie*, 1933, pp. 503-505.

108. Van der Laan found that in 98 such relationships:

	Cases
the girl was older than the pimp	48
the pimp was older than the girl	43
both were of the same age	4
the pimp took care of several girls, some older, some younger than himself	3

Idem, p. 486.

109. Barrère, *op. cit.*, p. 354, under *poisson*.

110. *Idem*, Introduction, p. xxi.

111. For a great number of argot expressions for death, unsoundness of mind, fighting, and escape, see *idem*, p. xxxi.

the criminals of other nations," writes one author¹¹² This superiority applies according to this source to their slang, which "runs to crisp, often witty, generally descriptive words or phrases" while the Briton talks in "highly formalized language."¹¹³ In my own opinion English slang has less of the affirmative, aggressive, morally unabashed undertone than the lingo of the American criminal; it has a slow tempo of development, terms such as "fence," as we have seen, having been in use for more than 200 years. American slang is constantly enriched by all sorts of influences—Australian,¹¹⁴ American Indian,¹¹⁵ war contacts with other nations, and the close intercourse with British and Irish criminal groups.

If we could set up a really complete American glossary and count the slang terms for stealing, swindling, killing, and being arrested, imprisoned, or executed, we should find a preponderance of drastic terms for killing and execution, for corpses and undertakers. In a brief assortment of slang words gathered in San Francisco by a narcotics agent we come across these terms: "barbecue stool" (electric chair), "cold cook" (undertaker), "dead letter" (unclaimed corpse), "fireworks" (operation of a machine gun), "blast" (to shoot down), "chef" (executioner), "chopper" (machine gunner).¹¹⁶ In the small annexed glossary of English criminal slang collected by Superintendent W. F. Brown of the Metropolitan Police in London there is not one term for shooting or execution; the only word which touches upon bloodshed is "chivved," meaning slashed with a knife.¹¹⁷

112. Corey, *Farewell Mr. Gangster*, p. 275.

113. *Idem.* p. 279.

114. "Hooligan" or "shanghaied" (Asbury, *The Barbary Coast*, p. 199).

115. "Hooch"—crude ardent spirits, according to Webster, from *Hoochinoo* of the Tlingit tribe.

116. Corey, *op. cit.*, pp. 276-278.

117. *Idem.* pp. 279-280. For rich European literature on criminal slang see Ernst Selig, *Handbuch der Kriminalistik* (Berlin, 1944), II, 86-87.

CHAPTER V

Mental Disorders

1. Introductory Remarks

CONDUCT and misconduct are products of the brain, in the broadest sense of the word—of the central nervous system. This ramified organ does not live in splendid isolation; its normal function depends as much on the physical medium which makes its tissues live as on being anatomically and functionally intact. Psychoses are for the most part diseases, or derangements of some bodily process, which happen to affect the brain as the point of least resistance. This is why infectious diseases (and their aftermaths), intoxications of all sorts, and disturbances of the metabolism and the endocrine equilibrium are frequent causes of mental aberration. Head injuries, obstructions of the circulatory feeders, new growths, and hereditary impairments alike may directly affect the function of the conduct-modulating brain.

The full-fledged psychosis, as demonstrated by grave and “classic” disturbances of conduct, is a theoretical postulate and found only in a minority of cases. The process of a psychosis begins in a furtive way; often a long time passes before the symptoms become alarming or even clearly visible. Serious and menacing symptoms, on the other hand, may presently fade away and the patient return as a normal to normal life, although some traces will be left, permanent marks of a process which has been brought to a standstill but has been destructive all the same.

The criminologist is more interested in these prepsychotic and postpsychotic stages than in the manifest psychosis itself. The majority of insane individuals are not on the books of mental institutions. They are, to use the terminology of our mental statistics, “otherwise absent”—that is, living among us, more or less recognized as “queer,” “eccentric,” or just “different.” Often mere standards of profitability are applied in

judging human beings. The detrimental individual is easily diagnosed as mentally deranged; the condition of the useful insane is rarely determined, since the symptoms are not irritating but ingratiating.

At the beginning of the year 1938, 499,919 mental patients were institutionalized in the United States.¹ Yet these figures do not present the real incidence of insanity in the population. No exact estimate is possible, since much depends on the diagnosis and on the pressure of the environment—economic, family, vocational, and social.² Many of the insane dissimulate their mental condition, and continue to do so successfully as long as their economic status allows them to substitute paid—and thus biased—connections for voluntary human contacts, invariably the more crucial and significant test. The customer is not only always right but mostly sane, the “customer” being in this connection any potential purchaser of services which can smooth and make possible the daily life of a personality otherwise too peculiar for the normal world.

Matrimony, an integrated family group, or other closely knit groupings are great dissemblers of insanity.³ So are

1. *Patients in Mental Institutions 1938* (Washington, Bureau of the Census, 1941), p. 5. By the end of the year there were 513,894 (prewar data).

2. The rates of prevalence of hospitalized mental illness show a considerable range between the various states, as will be seen by comparing these maxima and minima (*idem*, p. 11):

<i>States</i>	<i>Per 100,000 Population</i>
New York	544.8
Massachusetts	541.1
New Mexico	179.1
Idaho	183.2

3. This is the main reason for the smaller admission rate of married males and females as contrasted with single, as seen in the following table:

First Admissions to State Hospitals per 100,000 of
Corresponding Group 15 Years and Over, 1933

	<i>Male</i>	<i>Female</i>
Total	92.8	65.7
Single	104.9	62.8
Married	69.8	54.1
Widowed	205.5	112.0
Divorced	375.6	227.2

My computation differs from the official figures found in *Patients in Hospitals for Mental Disease 1933* (Washington, Bureau of the Census, 1935), p. 36. It is not correct to compute reduced figures of the total population when marital

wealth,⁴ sex⁵ and age, youth as well as old age. The fact that fewer colored people receive psychiatric attention and custodial-medical confinement accounts for a part of their high homicide and assault criminality, especially on the female side.⁶

Improved medical care increases the number of mental wrecks who survive the acute attack of their ailment; the extended length of life is a powerful cause of growing insanity figures.⁷ National catastrophes—defeat in war, revolution, economic breakdown—also affect the number of psychotics.⁸ The age of the air bombardment and of the rocket shell must have a devastating effect on populations exposed—helplessly for the most part—to these apocalyptic means of destruction.

Mental disease or abnormality may alter the psyche in many ways: the function of the intellect appears to be the least important status is considered. The official statistics have omitted the high divorce figures. I have, of course, deducted the number of admitted patients under 15 years of age.

4.	Economic Status and First Admissions		
	Comfortable Economic Status		
		(Per Cent)	
		Male	Female
	Urban	9.0	10.7
	Rural	12.4	12.1

Well-off people cause a relative to be institutionalized only when very troublesome and socially a nuisance and a danger: drug addicts, for instance, and paranoiacs. *Patients . . . 1933*, p. 57. A special aversion is shown by rural families to institutional care for drug addicts.

5. Not only is there a smaller incidence of syphilitic psychoses and alcoholism among females, but owing to family attachment and other factors the milder cases of senile and arteriosclerotic ailments among women are usually kept on at home.

6. Hans von Hentig, *The Criminality of the Coloured Woman*, University of Colorado Studies (Boulder, Colo., 1942), pp. 243-244.

7. Myerson has presented Massachusetts figures showing a decrease in admissions for dementia praecox and manic-depressive insanity and a slight increase of the group consisting of senile psychoses and cerebral arteriosclerosis, using in the first case a population 15 years and over and with the second category a population 55 years and over. *Eugenical Sterilization*, p. 31. He comments justly, "Throughout the Western world it has been noted that there has been a marked increase in the number of senile and cerebral arteriosclerotic psychoses. This is by far the most important factor in the increased admission rate. Usually, charts made to represent this increase are plotted against the general population, but this is obviously an error when one takes into account the fact that the number of old people in the community has definitely increased in the past generation." *Op. cit.*, p. 34.

8. According to Myerson (*idem*, p. 36) the German admission rate rose "from 25 per 100,000 in 1923 to nearly 36 in 1929."

portant so far as conduct goes.⁹ Most significant are changes of emotionality, alterations of the vital instincts¹⁰ and, finally, of the volition; frequently a certain weakness of "ignition" tends to undermine, first the economic status, then the domestic life and social position of the individual. With any new exogenous strain on the mental condition, tensions are brought about which may result in aberrant forms of conduct and delinquency. The process, or the more or less stagnant deficiency, will often follow the ups and downs of the normal course of aging, or the critical stages in the life of the female; these will be "balanced" or aggravated by outside stimuli.

It would scarcely be correct to consider mental disease as concerning merely the criminal. Insanity or mental defect on the part of many victims plays a large role in the genesis of crime. In addition, judges, juries, prosecutors, defense attorneys, even legislators have mental problems. The police force and the ranks of prison officers attract many aberrant characters because they afford legal channels for pain-inflicting, power-wielding behavior, and because these very positions confer upon their holders a large degree of immunity; this in turn causes psychopathic dispositions to grow more and more disorganized.

The insane sometimes commit crimes which lack any traceable causative link with their condition. They are first of all criminals, and insane besides. That the majority of insane are not antisocial, however, is not surprising when we remember that insanity is an exaggerated normality: nothing completely new, but a morbid modification of preëxisting substance and function.

2. Dementia Praecox

In the long range of mental disorders the psychosis called dementia praecox, or schizophrenia, leads the field. Statistics

9. "Twenty years ago the drift of opinion was decidedly towards regarding feeble-mindedness as the principle cause of crime. Then came the World War, a wholesale testing of thousands of drafted men, and the sudden and dramatic realization that, judged by existing standards, we were a race largely composed of morons." Wilson and Pescor, *Problems of Prison Psychiatry*, p. 85.

10. Self-preservation (nutrition, bodily integrity) and the preservation of the race (reproduction). Each of these instincts may be increased, weakened, or actually absent.

show for it an admission rate of 19.3% of current admissions for mental disorder in the United States.¹¹ The incidence is in reality much greater: many light, furtive, arrested, or half-restored cases of the ailment will be met in free life or in the extensive group of psychopathic personalities. Puberty often presents symptoms which could easily be accommodated in the picture of a schizophrenic attack. In most cases the patient seems to overcome the metabolic attack and biochemical readjustment involved without much harm; in others the vulnerability of the brain tissue responds to the toxemic onset by a nervous dysfunction and the first signs of that obscure process we call dementia praecox.

Two factors, apparently, must combine. First, so far as we know, there is an autointoxication of endocrinal origin, an explanation first advanced by Kraepelin.¹² The ordinary mechanisms of neutralizing or removing the toxins must be weakened. Secondly the brain tissue must be unable to offer adequate resistance, mostly because it is attacked in a developmental, that is, an enfeebled and assailable stage. Deep disorders of its function result.

Thus there must be predisposition in both the biochemical and the nervous component. The many physical stigmata encountered¹³ indicate defective heredity as an etiological element. Bodily symptoms at the beginning of the disorder reflect

11. Of all first admissions in 1938, 19.3% were diagnosed as dementia praecox. *Patients . . . 1938*, p. 13. The following table gives the admission rates for the five most important mental disorders over a recent five-year period:

. First Admissions, Five Main
Psychoses, 1934-38

	<i>Per Cent</i>
Dementia praecox	19.5
Manic-depressive	11.8
Cerebral arteriosclerosis	11.0
Senile dementia	8.1
General paresis	7.7

Computed from figures in *Patients . . . 1938*, p. 13; *1937*, p. 12; *1936*, p. 14; *1935*, p. 14; *1934*, p. 12. The dementia praecox and manic-depressive figures for females are higher.

12. *Clinical Psychiatry*, p. 222.

13. Such as "asymmetries and malformations of the skull, ears, and palate, puerile expression, strabismus, supernumerary nipples, general physical weakness" (Kraepelin, *op. cit.*, p. 220). Manifold disorders of the sex instincts must be added.

the toxemia involved,¹⁴ as does the fact that one fourth of all female patients become afflicted during pregnancy or childbirth.¹⁵

In addition to defective heredity,¹⁶ infectious diseases, head injuries, and mental shocks may contribute to the vulnerability of the brain.¹⁷ The common basis of certain physical defects found in some types of criminals, and the mental disorder becomes evident. In some cases, as in alcohol or sexual abuses, it is hard to say what is symptom and what additional pathogenic stimulation.

The psychiatrist speaks of symptomatology. The criminologist is only interested in such morbid traits as will affect conduct or tend to affect the milieu. Of the many symptoms, the principal change is the growing chilliness in the emotional field. All the defects in memory, attention, perception, and volition are consequences of the abating emotionality.¹⁸ Patients lose all family affection, and their family not unnaturally turns away from them, depriving them of a protection which is never more necessary than now. They appear "to have no regrets for the past, no desires for the future, and to be satisfied with the present,"¹⁹ even if this present may be confinement in prison or impending death penalty. Their environment deteriorates with their own deterioration. If wealthy, they lie in bed or sit on a chair all day doing nothing; if poor they lose their jobs, being "lazy," obstinate, or otherwise undesirable, and drift into hoboism or parasitic forms of existence. The family and society throw them overboard. Their reaction is a sullen and apathetic hostility.

The lack of emotional "ignition" and the torpescence of the will²⁰ account for many forms of delinquency, vagrancy, petty

14. Such as: malaise, headache, insomnia, elevated temperature, feeble heart action, indigestion, and—a symptom of grave biochemical transformations—loss of weight.

15. Kraepelin, *op. cit.*, p. 221.

16. Morselli, *Manuale di psichiatria*, p. 332, speaks justly of a "personalità originariamente invalida."

17. War, divorce, imprisonment, industrial accident, and so forth.

18. The autointoxication seems to have an elective tendency to attack the "between brain" where our emotional responses are located.

19. W. Norwood East, *Introduction to Forensic Psychiatry in the Criminal Courts* (London, 1927), p. 169.

20. Morselli saw a patient who, compelled finally to leave his bed, dressed so slowly that he had not yet finished when it was time to undress. *Op. cit.*, p. 333.

larceny, and desertion. The patient is the typical "suspect." Many pimps and some prostitutes are schizoid.

More significant are the blind morbid impulses of the dementia praecox patients. The immobility of the patient is suddenly replaced by violent action, or better, motor explosions: an assault, a homicide. Their only explanation is that "they felt like it."²¹ The attack of excitement may take the form of a sexual offense;²² it is often reminiscent of the ferment of animals in heat.²³ Especially the clinical variations called catatonic,²⁴ in which speech, locomotion, muscular activity of every sort are subdued or suppressed, present rapid transitions to the reverse: a complete motor release. This may be directed against the patient himself and result in a suicide. Or it may strike an innocent bystander, a friend, the wife or husband. The condition is in reality catatonic-hypertonic, if one takes a long-range view of the total process, the commonly used label "catatonic" referring only to the prolonged subdued aspect, which is, however, less significant socially than the violent.

Whenever there are delusions, especially of persecution, there is danger. When a man hears voices and sees the shadows of enemies he begins to act in self-defense, and in some forms of schizophrenia accusing or menacing hallucinations come to the fore. Assault, murder, or arson may ensue. In mild cases in which the delusions may be denied by the patient, the latter will simply retreat. The following are two typical instances. Prince Consort Albert of England writes to his grandmother:²⁵

We drove out yesterday . . . to pay Aunt Kent a visit, and to take a turn around Hyde Park. We drove in a small phaeton. I sat on the right, Victoria on the left. We had hardly proceeded a hundred yards from the palace, when I noticed, on the footpath on my side, a little mean-looking man holding something towards us; and before I could distinguish what it was, a shot was fired, which almost stunned us both, it was so loud, and fired barely six paces from us. Victoria had just turned to the left to look at a horse,

21. East, *op. cit.*, p. 171.

22. From simple indecent exposure to sex murder.

23. "In women these attacks seem to bear some relation to the menses. Kraepelin, *op. cit.*, p. 255.

24. There is the polarity of negativism and hypersuggestibility.

25. Kfirt, Jagow, *Letters of the Prince Consort* (New York, E. P. Dutton & Co., 1938), pp. 70-71.

and could not therefore understand why her ears were ringing . . .

I then looked again at the man, who was still standing in the same place, his arms crossed, and a pistol in each hand. His attitude was so affected and theatrical that it quite amused me. Suddenly he again pointed his pistol and fired a second time.

Another case "broke down" during his university study:

He said he felt he was losing his memory and could not concentrate. . . . He said he had been advised by doctors to live in the open air, so he "rented a hut" on some allotments; the hut contained no bed and no conveniences whatever. He worked gratis for an hour a day on a man's allotment and for the rest of the day "thought about things." He obtained money for his simple needs from his account at the bank, he bought his food and cooked it in the hut, and when he could not sleep, went for a walk.²⁶

Some other relations must be mentioned briefly. Not a few dementia praecox patients present disorders of their sex life—infantilisms and aberrations.²⁷ The ice-cold gangster type who does not care whether he kills or is killed is a schizoid type; some habitual criminals belong to the same category.²⁸

It is more than a hundred years since Prichard introduced the term "moral insanity," taken up in the English Mental Deficiency Act of 1913.²⁹ In mentioning the factor of immunity to intimidation the law stresses a practically as well as theoretically important trait. The moral imbecile not only harbors antisocial propensities; he displays them. And he displays them because the injury-menacing mechanisms of society apparently do not make any impression on him. The moral imbecile is waterproof to disapproval, punishment, and the rejection of his group.

Some writers, like Healy, have ruled out the notion of moral

26. East, *op. cit.*, p. 184. What would he have done without a bank account?

27. ". . . In place of sex unions there would be periods of general excitement." Comment on the Ruske case, of the murder and mutilation of a little girl in California, 1934. Catton, *op. cit.*, section on impotence, p. 160.

28. Wilson and Pescor, *op. cit.*, p. 213.

29. Definition of the English statute: ". . . persons who from early age display some permanent mental defect coupled with strong vicious or criminal propensities on which punishment has had little or no deterrent effect."

us by the wanton, totally gratuitous nature of his delinquency. The range of misconduct is thus widened.³⁷ With such a one wrongdoing is rather for pleasure than profit; he seems to do evil for its own sake, *l'art pour l'art*. His actions lack motive and are thus unexpected, unpreventable.

Moral imbecility is but one side of a polarity which includes moral oversensibility. Exactly as the manic state forms an entity with the depression, the catatonic conditions with the impulsive outburst, hypothyroidism with hyperthyroidism, so one may also say that there are two modes of moral deficiency: hypo- and hypermoralism. In the first case the defect collides with the rules of a society which cannot tolerate parasitic dis-senters. In the second case the defect is self-destructive, although our judgment is obscured by the usefulness of the "patient." This type is not very frequent, at least we are not wont to recognize it. It is notable, in this connection, that saints are canonized at the distance of centuries. There are not a few would-be "saints" in mufti, male and female, to whom no saga of war or peace ever refers.

I should not mention this delicate problem if it were not of some practical significance in criminology. It is especially due to Ellis that the issue of an eventual combination of sanguinary violence and self-sacrificing altruism has been raised.³⁸ How shall we explain the phenomenon of the "philanthropic assassin" (Bordeau)? Some regicides have been simple criminals,³⁹ often on a paranoic basis. It is different with others. The psychiatrists who examined Caserio, murderer of President Carnot,⁴⁰ and Czolgosz, murderer of President McKinley,⁴¹ agree that they were, like other regicides, a class by themselves. They not only shared "the ordinary feelings of humanity," but possessed them "in an exaggerated degree."⁴² Such individ-

37. W. C. Sullivan, *Crime and Insanity* (London, 1924), p. 202.

38. Ellis, *op. cit.*, Appendix E, pp. 329-334.

39. "In reality Ravachol was the type of the born-criminal or moral imbecile, a brutal, insolent and cynical bully." *Idem*, p. 416.

40. Ellis gives a picture of Caserio following Dr. Lacassagne's book on the assassin. *Op. cit.*, pp. 414-415.

41. Investigated by Dr. C. F. Macdonald and Professor E. A. Spitzka. See *idem*, p. 415.

42. Ellis writes (*idem*, p. 417), "It is the very excess of his sympathetic sensibilities that impels him to his deed of violence. He execrates the few because he loves the many."

uals as these suffer from an overproduction of compassionate emotions, an overstimulation of that part of our brain where altruism, helpfulness, sympathy and commiseration are located. Their morbid state is the reverse of moral invalidism,⁴³ yet has the same effect when political or social conditions seem to call for surgical interference: they clash with criminal law and are eliminated.

Moral imbecility is less a biological entity than a defect of social adjustment. We have not yet invented a Morals Test and a M.Q., giving the moral age of a person and showing the degree of his falling short or surpassing median standards. The only test is his way of life and failure in his social relationships. This indistinctness renders the question of etiological factors the more difficult. Hereditary conditions are, of course, operative, yet for the most part do not come to the foreground without being activated by other forces: cerebral lesions and the epileptic, and above all, the schizophrenic processes.

What we call morality is mainly of an inhibitory nature, a counterforce to tendencies and urges which might be disturbing and detrimental to peaceful and orderly human relations. One of these is the propensity for gaining recognition by fraudulent means. The pathological swindlers therefore constitute a considerable group of the moral imbeciles.⁴⁴

3. Manic-depressive Insanity

The psychosis manifested by periods of excitement swinging back to stages of depression was first recognized as a clinical entity by Kraepelin. On the basis of deficient heredity and preceded by physical symptoms which indicate some sort of endo-

43. Under the idea of "divine pressure" Charles Guiteau finally decided to kill President Garfield. He tried to shoot him on June 18, 1881, at the railway station but did not do it. He wrote the same day, "I intended to remove the President this morning at the depot, as he took the cars for Long Branch, but Mrs. Garfield looked so thin and clung so tenderly to the President's arm that my heart failed me to part them, and I decided to take him alone." In his defense speech during the trial he concluded, "Who fired that shot—the Deity or me?" Charles Follen Folsom, *Studies of Criminal Responsibility and Limited Responsibility* (privately printed, 1909), pp. 45-46, 53. "The trial was manifestly the great pleasure of his life." *Idem*, p. 59.

44. The more compulsory than gainful character of these swindlers is well characterized by Sullivan (*op. cit.*, p. 205), who says that they "seem to be exercising a talent rather than practising a trade." Of course there are hybrids: the gainful and lustful swindler.

crime intoxication, the manic and melancholic phases develop. Although volition does not remain unaffected the principal disorders are in the realm of thought: there is flight of ideas and retardation of thought; there is hyperactivity and retarded activity. The emotional attitude is either cheerful and exuberant or gloomy, sullen, anxious. Yet the emotional life does not seem to be directly and primarily damaged as in dementia praecox. The mesencephalon is not injured, but other brain centers in which reintegration is easier. Thus the prognosis for recovery from the individual attack is favorable in all but 5% of cases,⁴⁵ whereas in dementia praecox 59% end in pronounced mental deterioration, 27% in dementia of a lighter grade, while 13% seem to recover.⁴⁶ Length, frequency, and severity of attack of mania or depression may render the prognosis less favorable; they are symptoms of a greater or lesser gravity of the underlying process. In mentioning the principal symptoms one recognizes the criminological and antisocial potentialities.

The excited phase may carry the patient from humorous geniality to fits of anger. He is overbusy, nothing seems impossible; he has far-reaching schemes. Speech, handwriting, gait, and dress express his expansive feelings. Individuals in this phase are untiring, stay up late, begin to drink and smoke heavily. The excitement violently affects the inhibitions that guard the sex instinct.⁴⁷ Their hilarity is novel; they have a weakness for daring stories and familiarities. Rash engagements take place in this stage; sometimes the depression sets in soon and we see them running away before the marriage ceremony.

East speaks of the trivial nature of most manic crime.⁴⁸ I do not quite agree, although he is certainly right in thinking of crimes of violence. I believe that the great bulk of manic delinquency is represented by fraud and sex offenses, in addi-

45. Kraepelin, *op. cit.*, p. 417.

46. *Idem*, pp. 253, 255-256.

47. "Women are particularly apt to show increased sexual desires, and to dress in a striking manner, to attend dances, to read trashy novels, and to fall in love. Not infrequently betrothals and pregnancies result during such attacks." *Idem*, p. 393. The question of illegitimate births should be examined from this angle.

48. East, *op. cit.*, p. 317.

tion to drunkenness or disorderly conduct. The speeding motorist transforms his own mental hurry into the roar of the rushing motor. Yet many frauds of this type are not reported or prosecuted because the delinquent shows so much sincerity and drollness, and because he tries to make restitution of money when the attack is over.⁴⁹ In sex offenses the manics develop such a genuine ardor of love, disarming amiability, and physical intensity, that many females do not feel offended by the offender. The wrong becomes a legality by the authoritative order of the happy victim. Sullivan has suggested that "not infrequently, swindlers who are considered to be suffering from so-called moral insanity are in reality mildly exalted manic-depressives."⁵⁰ A thorough investigation of alcoholic delinquents regarding a possible manic-depressive basis is for the most part omitted. It would show surprising results.

The depressive stage is characterised by retardation: of speech, thought, dress, gait, eating. "Their usual duties loom before them as huge tasks, because they lack strength to overcome the retardation, and anything new appears unsurmountable."⁵¹ The physical conditions show signs of the same "low pressure." The digestion is slowed down, the weight decreases. There seems to be inadequate "ignition" of the bodily functions: no appetite, no sex desire, no sleep.

"The patient sees only the dark side of life. The past and the future are alike, full of unhappiness and misfortune. Life has lost its charm . . . they are a failure in their profession . . . Everything is spoiled for them . . . they . . . do not care to live longer."⁵²

That this "jamming" of all mental brakes tends to affect the social position of the depressive individual is obvious. Important decisions are delayed, omissions made which are as detrimental as active mistakes. In some vocations in which motor swiftness is vital the depressed person becomes a failure, dan-

49. East has pointed to another significant moment: the good impression the manic makes in court. He writes (*idem*, p. 325), "And it is perhaps not surprising that the hypomanic is sometimes even better able to defend himself in a criminal trial than when in his normal mental health. The quick mental response, the sense of well-being [I add looking like lack of fear and perfectly clear conscience] and self-reliance . . . are supplied by the disease, and may stand him in good stead."

50. Sullivan, *op. cit.*, p. 89.

51. Kraepelin, *op. cit.*, p. 401.

52. Kraepelin, *op. cit.*, p. 401.

gerous mostly to himself and his own existence, but possibly to others, too. A depressive stenographer may just lose her job, a depressed bus driver or plane pilot may not be equal to an emergency and may thus cause a mass disaster. Depressed generals or statesmen can change the course of world history.

That depressives are an easy prey in criminal trials need not be stressed. Their tendency to self-accusations pushes them to confessions both true and false.⁵³ Their gloomy and perplexed attitude makes them the ideal "guilty." Of the depressed as victims of criminal attack I shall speak elsewhere.

How does it happen that this syndrome of torpidity and passivity is suddenly broken by destructive fits of suicide or homicide? We hear of anxiety creeping up, and of delusions involving ideas of self-accusation and persecution. Yet hallucinations and delusions are probably only preliminary psychic symptoms of an impending biochemical crisis which catches hold of the stopped propeller and for a short while brings it to its highest number of turns. Without this motor explosion, for which we must watch regardless of the apparent lightness of the melancholia, the depressive would not be a serious criminological problem.

The continual expenditure of motor impulses seems to prevent the damming up of motor potentialities. The manic, in this diluted and reduced state of tension, commits assaults or attempted homicides, very seldom a real murder; the depressed individual, on the other hand, discharges his banked impulses in the form of a sudden attack. There is a striking preponderance of crimes of violence in the melancholic group;⁵⁴ by violence I understand homicide, suicide, and arson. No sex crimes are committed by depressives. It is not quite clear why these melancholic murderers show a predilection for the knife or razor in killing their wives or children;⁵⁵ there is no hate or antipathy in these killings⁵⁶—sometimes, of course, anxious de-

53. On the false confession as means of suicide see Enrico Altavilla, *Psicologia giudiziaria* (Torino, 1927), p. 253; my paper, "Das Geständnis," *Schweizerische Zeitschrift für Strafrecht*, 1929, pp. 38-39; and the discussion, "Das Leugnen," *Schweizerische Zeitschrift*, XLII (1937), 207.

54. East, *op. cit.*, p. 317.

55. See the cases in von Krafft-Ebing, *Lehrbuch der gerichtlichen Psychopathologie*, p. 105, and Sullivan, *op. cit.*, pp. 91-93; East, *op. cit.*, p. 342.

56. "Thus it is rare in melancholia for the crime to have any element of malignancy about it; the suicidal melancholic who kills his wife, usually kills

lusions may create a situation of quasi-self-defense. Murderous attacks in these circumstances are completely overwhelming and unexpected and can scarcely be evaded in family life.⁵⁷

The manifestations of the fully developed psychosis facilitate diagnosis and also give insight into the numerous individuals in whom a psychopathic constitution is linked to an habitual emotional deviation, either hypomanic or hypomelancholic. The depressed psychopath usually does more harm to himself than to others, although his social decline may be an incentive to minor forms of property delinquency. The hypomanic, by contrast, with his initiative and urge for enterprise and his inexhaustible feeling of strength plays a considerable role as promotor,⁵⁸ racketeer, and "wolf" preying on the other sex, and as the never-discouraged high-pressure salesman or swindler.

4. Senile Disorders

The number of first admissions to state hospitals increases with each successive age group.⁵⁹ This holds good for both sexes. The ultimate effect on delinquency may be of two sorts: either there may be more lawbreaking in the initial stages of the mental disorder, or internment acts to counterbalance manifestations of delinquency, as must the growing weakness of the aging human being. Of the three social factors protective to old age—property, family, and state care—any one may at times be removed, as with property during an inflation; or undermined by inexorable trends, as in the decay of family cohesion, for instance; or reduced, as when the state tends to give less care, in periods of emergency, wars, and revolutions.

her as being, so to speak, a sharer in his own personality." Sullivan, *op. cit.*, p. 94. This is, according to a European term, an extended suicide.

57. "A relation who saw the couple daily said they idolised each other . . ." East, *op. cit.*, p. 342.

58. Speaking of such a type, Wilson and Pescor say (*op. cit.*, pp. 70–71): "This man was simply an unusually optimistic individual with a great zest for life . . . He was simply a victim of an oversanguine temperament, . . . The promises of oversanguine inventors, mining-stock promoters, and a large number of brokers are of the same timber as those of the candidates for congress or for governor who secure votes on the strength of promises they can never fulfill."

59. As proved by the figures in *Patients in Hospitals . . . 1933*, p. 30, and the English figures quoted in von Hentig, *Strafrecht und Auslese* (Berlin, 1914), p. 30.

Senile disorders are bound to come increasingly to light as length of life is extended and the strain of modern civilization requires more and more mental adjustment, since the adaptive abilities of the brain suffer most from the process of involution. New York figures show that senile psychosis and cerebral arteriosclerosis have increased from 83.0 per 100,000 in 1917 to 171.7 in 1934,⁶⁰ if correct standards of reduction are used.⁶¹ Massachusetts figures present a much slighter increase, but still a considerable plus.⁶² First admissions, of course, involve many other sociological and psychological factors and do not reflect the factual situation in a positive way.⁶³

Many senile changes in conduct are well known. There are the self-centeredness, the peeling off of the finer feelings of sympathy and compassion, and odd combinations of out-of-place suspicion with out-of-place suggestibility, of apathy and restlessness, of impotence and stimulated sex impulses. We are acquainted with the delusional fears of the aging man who is afraid of illness and contagion, of robbers, and above all of adulterous intruders after 40 years of matrimony. In old age there is superimposed on the involutinal process a host of other disorders: alcoholism, deafness, failing eyesight, etc. No wonder minor offenses against property are committed, and minor sex offenses,⁶⁴ as well as some attempts at assault. However, next to the morbid sex lapses only the criminality of violence is of practical importance, often the first unmistakable symptom of grave disorders.

"Crimes of violence in senile dementia may result," writes East, "from premeditation, impulse, depression or delusion."⁶⁵ The brutal and unexpected form of the assault, however, and the rapid progress of the mental breakdown in confinement and under observation, prove that what we call premeditation concerns only the technical details of the murder and not its moral implications. Often premeditation seems to be present and is

60. Myerson, *op. cit.*, p. 33.

61. *i.e.*, proportion as related to the population 55 years and older.

62. Myerson, *op. cit.*, p. 31.

63. The arteriosclerotic group, for instance, jumped from 85.4 in 1931 to 101.5 in 1932, a result of social pressure. The crash of the price level suddenly accelerated the slow process of senescence in many people. *Idem*, p. 33.

64. "Minor" not according to the amount of punishment meted out by our codes but according to psychopathological insight.

65. East, *op. cit.*, p. 221.

admitted, but is in reality merely the long-brooded-over reaction to a delusional persecution.⁶⁶ The delusion of marital infidelity is met again as in alcoholic disorders.⁶⁷ These cases are especially serious when there is a considerable age difference between the senile husband and a much younger wife. The impulsive action in which always the same weapons are used—razor, hammer, axe—finds a belated pseudorationalization.⁶⁸

The potential violence of senile disorders consists of several types of manifestation. Wishful violence, as expressed in cursing, insults, and threatening behavior, may be mentioned in first place. This is actually harmless, yet under increasing provocation and irritated response may pass over into action. Such menaces frequently have a quasi-rational basis: the senile one believes himself to have been stolen from, laughed or jeered at, or intentionally annoyed.⁶⁹ In all these cases a tension prevails which under slightly heightened exogenous or endogenous pressure may turn into active violence.⁷⁰

Whether an act of homicide or suicide is attempted or consummated depends often on mere chance.⁷¹ Hanging,⁷² poison, and asphyxiation are not completely reliable means of self-destruction. Drowning, which attracts European females,⁷³ as to a lesser extent the American woman,⁷⁴ often ends in rescue.

66. East's case, *op. cit.*, p. 228. The senile man struck his wife and mother-in-law suddenly with a hammer. "He said he remembered doing it, but he had been watched and spied upon for a long time . . ."

67. See Sullivan's cases, *op. cit.*, pp. 53 ff.

68. A patient will remark that he "thought that, as she was going wrong, the best way to 'stop her downfall' was that they should die together," or the like. *Idem*, p. 54.

69. A patient declared, ". . . I was waiting for the daughter to do her in too; they kept on pulling the floor and shaking it . . . they turned on the taps as well and let the water run; then they got the lawn mower and pulled it up and down the passage . . . I couldn't stand it any longer." *Idem*, p. 52.

70. I omit the preliminary stages, studied by Ruth S. Cavan in her book, *Suicide* (University of Chicago, 1928), pp. 178, 196. The suicide wishes and dreams of death, and threatens suicide.

71. The weapons used by seniles (hammer, razor) do lend themselves to failure when handled by weak and uncertain musculature. Thus attempts are rather frequent. Cases in East, *op. cit.*, p. 228, and Sullivan, *op. cit.*, pp. 50, 54.

72. Of all males 70 years old and more in Germany who committed suicide in 1927, 65.6% did so by hanging or strangling. I have been unable to find figures of suicide means by age groups in the United States. German figures from *Handwörterbuch der Kriminologie*, II, 571.

73. *Ibid.* Of all female suicides 70 years old and over in Germany in that year, 26.5% chose drowning.

74. Figures without age group data in Louis I. Dublin and Bessie Bunzel,

These means of suicide are not always available. Colored females dislike gas⁷⁵ and hanging; they use poison and firearms, the latter presenting a smaller margin of nonsuccess.

The sum total of violent outburst to be expected in a group of senile individuals can only be gauged by the cases of murder and suicide combined. Sometimes it is first a murderous attack against a member of the family group; again it is homicide and suicide. In other cases it is only self-destruction. Psychologically, however, the basic situation is always the same, a tense and explosive state of mind with a background of depression. I would even go so far as to say that it is often a dissociation of the instinct of self-preservation from the rest of the mental life; not only a disgust with life, but something much deeper and more elementary—a positive craving for annihilation. It is the active reverse of the will to life and power, an active will to obliterate, and to be extinguished. Hence the close connection between homicide and suicide and their alternating association.

Since these relationships are legally and factually distinct, suicide is excluded from textbooks of criminology. A discussion of senile disorders will be the right place to go briefly into the question. There is a clear antagonism between crime and suicide. The peak of crime comes between 18 and 21 years; suicide increases with age. Suicide in youth and crime in old age appear to be pathological phenomena, although both are critical periods of life and both stages—evolution as well as involution—may exert excessive strain on the growing or aging organism. In both youth and old age the duality of homicide and suicide make their appearance.⁷⁶ It is true that the paramount emotional tone in youth is love, which in old age is replaced by hate, fear, and jealousy.

To Be or Not To Be (New York, Smith & Haas, 1933), p. 385. More colored and more rural women commit suicide by drowning than urban and white females. See high British figures, p. 388.

75. *Idem*, p. 385.

76. Of 338 British cases of murder (1929–32), 38.7% were terminated by the suicide of the murderer. East, *Medical Aspects of Crime*, p. 368. It is about the same on the Continent. In Prussia 34.1% of all murderers committed suicide (1927–31) and only 13.2% of the men who had committed a manslaughter. *Handwörterbuch der Kriminologie*, II, 573. Because these murderers die before apprehension or trial and thus do not appear in court they are not regarded as legitimate subjects of the criminologist.

The growing pull of suicidal inclinations is clearly demonstrated by statistics. Since this is an important point I give the reliable report of a large insurance company in the United States, as well as available urban statistics and some German data.

Suicide Mortality per 100,000 White Persons
Metropolitan Life Insurance Company⁷⁷
1926-30

<i>Age</i>	<i>Male</i>	<i>Female</i>
All ages 1-74	17.8	5.2
10-14	0.3	0.2
15-19	3.6	3.2
20-24	10.4	5.6
25-34	17.2	7.4
35-44	27.6	8.7
45-54	44.2	9.7
55-64	57.3	10.2
65-74	65.9	9.9
75 and over	71.5	13.7

The figures for the colored differ.⁷⁸ On the male side there is a slow and steady increase but, as far as the white population goes, much less suicide in old age. The suicide curve by age

Suicides per 100,000
in Each Age Group
Chicago, 1915-24

	<i>Average per Year</i>
Under 20	1.30
20-29	14.73
30-39	21.90
40-49	30.38
50-59	37.89
60-69	45.71
70-79	57.34
Over 80	60.28

77. Dublin and Bunzel, *op. cit.*, p. 380.

78. *Idem.*, p. 382. Death registration states of the United States, 1926-30.

groups of colored females is radically at variance with the white female figures. There is an advance, then a culminating point between 20 and 34, then a distinct decline. Are these the years when the violence and criminality of the colored female reaches its zenith?

The Chicago Department of Health has given Dr. Cavan the figures quoted on p. 141.⁷⁹

It is not quite correct to give figures of native-born and foreign-born per 100,000 of the population. The foreign-born are an over-aged group and when the Chicago figures (1919-21) show 9.47 per 100,000 for the native-born, 7.7 for Negroes, and 28.8 for the foreign-born,⁸⁰ these high figures express age rather than innate suicidal tendencies. In comparing the native-born and foreign-born 55 years and over, the disparity would tend to shrink. If the economic diversity could be statistically taken into account it might even disappear.⁸¹ Finally, some recent European figures showing this vital age structure may be quoted on p. 143.

Since both mental diseases and suicide increase with age, causative relations may be presumed, especially with senile

79. Cavan, *op. cit.*, p. 79.

80. *Idem*, p. 78. This different age distribution is, among other factors, the reason for the higher suicide rate of Jews in European countries. Dublin and Bunzel remark (*op. cit.*, p. 117) that suicide among Jews is considerably lower in New York City than for the total population, but this conclusion is based on one year's figures only (1925), and Dublin himself (p. 259) discusses the frequent "accident" theory advanced by claimants of insurance and approved by the courts. In Prussia the Jewish suicide rate rose over a period of 74 years as follows (*Handwörterbuch der Kriminologie*, II, 565, according to figures given by Füllkrug):

Suicides per 1,000,000 by Religious Affiliation

<i>Years</i>	<i>Jews</i>	<i>Protestants</i>	<i>Catholics</i>
1849-55	46	160	50
1869-72	96	187	69
1891-1900	241	247	93
1901-7	294	252	101
1908-13	322	270	118
1914-18	349	216	86
1919-23	416	250	105

81. See the author's corrected computations of crime figures: "A Statistical Test of Causal Significance" *American Sociological Review*, 1940, p. 931.

Suicide by Age and Sex
per 100,000 of Each Group
Germany, 1933⁸²

<i>Age</i>	<i>Male</i>	<i>Female</i>
5-15	10.7	2.2
15-30	37.9	16.4
30-45	41.3	21.4
45-60	72.2	27.4
60-70	97.0	28.6
70 and over	108.4	34.0

disorders. In a study of suicide among mental patients Dr. H. M. Pollock found the following figures:⁸³

Suicide among Mental Patients
200 Cases
Death Rate per 100,000 in New York
New York Civil State Hospitals, 1919-29

<i>Psychosis</i>	<i>Male</i>	<i>Female</i>
Manic depressive	233.4	71.0
Dementia praecox	33.4	9.6
Involution melancholia	546.4	207.5

Suicide within an asylum is not easy and requires special suicidal energy, though it is possible that asylum conditions are in themselves stimulants to desperation. The small number of cases (200) may therefore be especially significant and conclusive.

The ancient Greeks respected old age, probably on the basis of superstitious ideas. At the same time they did not hesitate to ascribe to age a demoralizing and disintegrating effect. Aristotle has given a psychologically sagacious picture of the aging man.⁸⁴ It is certainly true that senile disorders aggravate the slowly progressing decline of the mental and moral faculties.

82. Computed from figures in *Statistisches Jahrbuch . . . 1933* (Berlin, 1935) pp. 11, 48-49.

83. Quoted by Dublin and Bunzel, *op. cit.*, p. 311. Many suicide attempts labeled "due to alcohol" are of a senile nature, masked by the easily discernible symptoms of consumed alcohol.

84. See *Rhetoric*, II, 13.

The growing length of life deepens the crisis and extends its duration. It will doubtless change the aspect of some forms of crime and the scene of suicide. Love's grief as a suicide motive will recede, family discord come more and more to the fore. The world will grow older; it will rather become self-destructive than destructive. The senile and the prematurely senile will enter our penal and other institutions in increasing number, arrested for, charged with, or convicted of sex crimes.⁸⁵ The new dangers must be met by new methods of knowledge and treatment.

5. General Paresis

In describing the early stages of general paralysis Folsom writes:

It should arouse suspicion if . . . a strong, healthy man, in or near the prime of life shows some loss of interest in his affairs or impaired faculty of attending to them; if he becomes varyingly absent-minded, heedless, indifferent, negligent, apathetic, inconsiderate, and although able to follow his routine duties, his ability to take up new work is, no matter how little, diminished; if he can less well command mental attention and concentration, conception, perception, reflection, judgment; if there is an unwonted mental and physical fatigue; if the emotions are intensified and easily changed, or are excited readily from trifling causes; if the sexual instinct is not reasonably controlled; if the finer feelings are even slightly blunted; if the person in question regards with a placid apathy his own acts of indifference and irritability and their consequences, and especially if at times he sees himself in his true light and suddenly fails again to do so.⁸⁶

Social misconduct may be the first symptom of the incipient mental disorder.⁸⁷ The patients (not yet recognized as such in many cases) become irritable, indifferent to the sufferings of

85. See the figures of sex offenders 46 to 60 years old and over 60 in the *Report of the Mayor's Committee for the Study of Sex Offenses* (for the years 1930-39), pp. 79-80.

86. East, *Introduction to Forensic Psychiatry*, p. 229. With the progress of our treatment of the paralysis the disorder is slowly receding from its prominent position in psychopathology.

87. Leading to verification of the suspicion by a positive Wassermann reaction, immobility symptoms of the pupil, and sluggish reaction to light.

others, uninterested in their former activities. "The patients . . . usually exhibit a feeling of well-being; they claim that they never felt stronger or more vigorous mentally."⁸⁸ They are alternately stubborn and easily tractable at short intervals.⁸⁹ Mores and laws cease to be restraining forces; they are fearless of consequences. As with a child, impulses are carried into execution as soon as they come up. There is a series of physical symptoms, well known to the psychiatrist; disturbances of speech (articulation), of writing, and gait are characteristic.

Under the influence of delusions of grandeur patients may gamble heavily, give foolish instructions to stockbrokers, commit absurd larcenies, or make out cheques without a bank account. They are quite contented to remain in prison. They steal before witnesses,⁹⁰ or steal in unreasonable situations, as food from co-patients in an asylum.

Among 33 general paralytics charged with various crimes and examined by East,⁹¹ 50% had committed property offenses, 12% minor sex offenses,⁹² while 9% were authors of crimes of violence.⁹³ Some cases of general paralysis will be found among individuals charged with drunkenness. There may be other complications: lead poisoning, for instance.⁹⁴ Suicidal acts are exceptional, since the affective tone is predominantly optimistic and expansive.

6. Epilepsy

Epileptic insanity is a psychosis in which defective heredity, syphilis, rheumatism, diabetes, and other ailments are the pre-

88. Kraepelin, *op. cit.*, p. 288.

89. Kraepelin (*idem*, p. 290) tells of a patient who, "about to leap from a third-story window because of fear, was readily prevented by the suggestion that it would be better to go down and jump up."

90. In a case told by Magnan (Krafft-Ebing, *op. cit.*, p. 177) a patient stole a barrel of wine from a cellar and asked two policemen to lend a hand, which they did.

91. East, *op. cit.*, p. 232.

92. Indecent exposure and indecent assault. Some grave scandals without criminal consequence have a basis of this sort.

93. Murder, attempted murder, assault. Sullivan writes that by "contrast with crimes of acquisitiveness, homicidal offenses are very rare in general paralysis. Among 631 male patients committed to Broadmoor in the last twenty years for murder, attempted murder, and manslaughter, only six were suffering from general paralysis." *Op. cit.*, p. 34.

94. See the case related by Sullivan, *idem*, p. 39.

disposing condition. Among exciting causes may be found head injuries, emotional stress, infectious diseases, disorders of heart or kidney, and metallic or vegetal poisons. Whether alcoholic excesses are to be regarded as causes or process-aggravating symptoms remains to be seen. Many imbeciles and idiots develop epilepsy.⁹⁵ Here again a common cause should be looked for.

The literary eminence of epilepsy has good reason. The dramatic incidents of epileptic seizure have attracted the interest of medical science since Hippocrates. To early peoples the disease was a holy one. Since irritation of the motor area of the brain is one of the main characteristics, and since the most dramatic crimes consist in a motor explosion directed against the life or sexual integrity of an individual, the crimes of the epileptics have always been viewed with the greatest interest. Lombroso was probably not far from the truth when he attributed to epilepsy the crimes of many of his patients, but he forgot that the psychiatrist sees only a highly selective and rather small section of the criminal population.

Epilepsy is the only neuropathy or psychosis in which impressive physical symptoms emerge in the midst of mental manifestations. The seizures themselves, their periodicity, and the attendant phenomena (drowsiness, headache, nausea, etc.), point to some unknown process of autointoxication. This theory is supported by the observation that other chronic intoxications (alcohol, lead, uremia) produce similar attacks.⁹⁶ The coincidence of many seizures with menstruation points in the same direction.⁹⁷

It is true that most epileptics are not criminals.⁹⁸ It would still be less correct, I think, to contend that the vast majority of them are not able to adjust themselves to society without committing antisocial acts.⁹⁹ Mental deterioration in the case of epilepsy appears to have most effect on the initiative; epileptics

95. Kraepelin, *op. cit.*, p. 435.

96. *Idem*, p. 437.

97. See the murder case related by Sullivan, *op. cit.*, pp. 134-135.

98. Wilson and Pescor, *op. cit.*, p. 177.

99. "... the proportion of epileptics amongst the patients admitted to Broadmoor since the opening of that institution has averaged about 7 per cent of the male patients and 5 per cent amongst the females, while the corresponding figures for the ordinary asylum population in England and Wales are 7.1 per cent and 5.6 per cent respectively" (Sullivan, *op. cit.*, pp. 131-132). It could be objected that not all epileptics are in asylums.

are "conservative" in personal ways, stick to their family, show a strong religious inclination, are fond of order and regularity. In some respect they are true subjects, whoever their rulers may be: God, bosses, or wives.

Sudden and pathological impulses complicate this picture of a pastoral propensity for code and convention. These are grouped around the motor nucleus of the convulsions, yet may precede or follow them, or even occur during the quiet intervals between fits. "Patients will attack any one . . . and often in blind rage suddenly inflict severe and dangerous injuries, even on innocent and inoffensive bystanders, without any provocation."¹⁰⁰ It would be wrong not to regard these aggressive acts, which appear coördinated and sometimes motivated, as convulsive motor explosions. They are "a nerve storm which may justly be considered as an 'equivalent.'"¹⁰¹

Besides the bodily aggression which is known to Asiatic nations as "running amuck," the fit may appear in the disguise of a sexual crime. Sexual interest may have been previously lacking; the act of exhibitionism, etc., may be an utter surprise to the people who know the subject best. The outburst may be directed against mere objects, in the shape of arson; suicide is of rarer occurrence. Desertion is sometimes a running away, in an epileptic equivalent. The violence of the motor explosion is shown in a distinct way: there are often several victims; the most brutal means of annihilation are used and sometimes everything is smashed—the sleeping wife, the bed, the cat. Consciousness is completely blotted out.

In so-called "psychic epilepsy" the great symptom, that of convulsions, is missing. These epileptics are marked by special traits. They belong to that class of people who "love only once." They are self-centered, pedantic, good subordinates (in spite of a certain stubbornness), fussy bosses. From time to time they become morose, tense, irascible. During these periods of unrest and strain, which are accompanied by physical symptoms, social conflicts arise. "Patients usually awake peevish, irritable, fault-finding, threatening, and quarrelsome; often commit sudden and unprovoked assaults on the nearest person; break glass or destroy bedding and furniture, and use profane or obscene language."¹⁰²

100. Kraepelin, *op. cit.*, p. 440.

101. *Ibid.* 102. *Idem*, p. 443.

The so-called "quarter-boozers"¹⁰³ are often epileptics whose convulsions take the form of a periodical craving for intoxication. Many offenses are committed while drunk. The epileptic origin is overlooked. The wanderlust of the genuine hobo is another expression of psychic epilepsy. The hobos themselves have special slang terms for these well-known types;¹⁰⁴ "comets,"¹⁰⁵ "passenger stiffs,"¹⁰⁶ "ramblers,"¹⁰⁷ and others. The predilection for fast trains is a measure of their anxiety and slight ideas of persecution. Their inability to work is no mere unwillingness but a clear epileptic symptom, although this motor "stickiness" also occurs in other psychoses.

In the præpileptic or postepileptic state, as during the automatic stage of the petit mal itself, when consciousness is obscured and morbid irritability prevails, there may be homicide or suicide. The suicidal tendency sometimes assumes the weakened form of auto-accusation, a mechanism met again in alcoholic disorders. Countless murder investigations have been retarded by false confessions. In a murder investigation carried on by the writer a man came forward with a confession describing minutely how he had followed the murdered girls, had been attracted by a physical feature, their high hiking boots; had attacked them and had cut their throats after a violent struggle. No detail was missing, the story being most animated, the remorse sincere. After two weeks it was established that the man had been in jail during the murder and was an epileptic.¹⁰⁸

7. *Paranoia*

The space given to paranoia, a psychosis characterized by

103. The term is derived from the periodical ("quarterly") outbreak of morbid craving for alcohol.

104. They are of slightly censorious nature.

105. ". . . a tramp or hobo, usually with a decided psychosis, riding only fast trains, and for long distances, even though there be no reasons for such moves." Irwin, *American Tramp and Underworld Slang*, p. 53.

106. ". . . a tramp or a hobo with a mania for riding only the faster freight or passenger trains." *Idem*, p. 141.

107. *Idem*, p. 154. "Rambling" already connotes a certain incoherence of roaming from place to place.

108. Of a similar case Sir Basil Thomson writes: "As in most mysterious murder cases, there was a confession by an innocent person . . . The detective had to drive all night through dense fog to bring this man to . . . Essex, only to find that he was an epileptic who had given himself up a few months before as guilty of another murder." Sir Basil Thomson, *The Story of Scotland Yard*, p. 5.

the development of a fixed and progredient system of delusions (persecutory, erotic, querulent) in former textbooks of psychiatry, has now been assumed by dementia praecox. Paranoia has been reduced to a relatively narrow group, although it is still important from the criminological point of view since all authors agree that the paranoiac presents a grave social problem.¹⁰⁹

In a recent series of 66 cases of paranoidal crime "forty-two per cent were conspicuously aggressive in character . . ." ¹¹⁰ It depends, of course, on chance whether violence is turned against a person or object, or remains in the embryonic stage of threatened action. Among East's patients none was directly charged with a sex offense despite the erotic character of some of the delusions.¹¹¹ As in alcoholic disorders, the delusion of infidelity seems to be more a symptom of growing weakness than sexual stimulation.

The defective constitutional basis is usually conspicuous. "Peculiar traits and eccentricities may be recognized early in life, the patients being moody, dreamy, or seclusive. . . . Some have been abnormally bright . . . many show stigmata of degeneration." ¹¹² Among exciting causes are mental strain, the stress of war, revolutions, and economic collapses; and, of course, physical illness. There is a morbid responsiveness to the trauma of injustice, whether great or small, real or imaginary. A normal mind finally overpowers the element of trauma; in a paranoiac it overpowers him and steadily gains in strength and bitterness. The process could not develop without a definite predisposition, and would not come to light without adequate stimulus afforded by some disturbance in the marital, personal, or social relations.

The paranoiac is an innocent who has been assailed, injured,

109. "The paranoiac is . . . the most dangerous of all insane." Kraepelin, p. 430. ". . . the subjects of delusional insanity, particularly the persecutory and jealous cases, should be regarded as potential homicides always, and the more dangerous if they have tried legitimate means of defeating their enemies and rivals, believe their threats, are unheeded, consider they are above the law, and indicate by their words or actions that they are losing self-control." East, *op. cit.*, p. 194.

110. *Ibid.*

111. *Ibid.*

112. Kraepelin, *op. cit.*, p. 423. The German term for paranoia, *Verrückt*, in which the brain is tacitly referred to as a clockwork in which a mechanical part has been displaced, probably characterizes truly the pathological process and partly mental deterioration in contrast to the toxic origin of dementia praecox.

deceived, wronged. The force of his resistance or counterattack flows from the fact that he is subjectively in a situation of self-defense.¹¹³ His disorder increases with his mounting ill-success in warding off the supposed danger or damage by normal or legal devices: escape, hiding,¹¹⁴ migration, threats, and requests for protection or redress directed to police and law agencies.¹¹⁵ Since such threats, meant to ward off persecutors, are in themselves criminal acts and treated as such, the chain of circumstance strengthens the paranoid process instead of suppressing it. There should not be punishment but immediate medical intervention.

A conspicuous situation of self-defense is met in cases where crime is committed by a paranoid subject "to obtain sanctuary in prison from his persecutors." This may happen when persecution is attributed not to an individual but to a powerful group: Freemasons, Jesuits, and so forth. Anyone, in such circumstances, may be murderously attacked as the agent of the persecuting society; the patient has become much more dangerous, since the circle of his enemies is thus extended *ad infinitum*.

In addition to the psychotics there are countless paranoid persons who remain on the level of mere suspicion, jealousy, and quarrelsomeness without developing stable systems of illusions. They may get rid of alleged persecutors by migrating to a foreign country and making good, thereby seeming to leave their enemies behind. Or the incipient paranoid may win by appeal a lawsuit the loss of which in a lower court had set in motion the beginnings of a system of persecutory ideas. The widower no longer has cause to suspect marital infidelity. The

113. The open way in which murders by paranoiacs are executed, the perpetrator's frank reports to the police, and the extreme violence of many of these deeds are evidence of the imaginary self-defense situation.

114. They barricade their houses, obstruct keyholes, assume a different name to escape their tormentors.

115. "They often seek protection from those in authority: the heads of Government Departments, Scotland Yard, the local police and others. And it may not be until they find their requests fail to bring that relief to which they consider themselves entitled, that they decide to take the law into their own hands, and protect themselves at all costs." East, *op. cit.*, p. 194. Are slight paranoid mechanisms in operation when a nation turns from evolution to revolutionary means, and does the movement draw its blind violence from paranoid ideas of persecution?

predisposition remains, yet by a fortunate configuration of the milieu it may be denied continued stimulation. What is left are paranoids, not paranoiacs; criminaloids, not criminals. But they are free from guilt only by the grace of God, or chance, or whatever we may call the unforeseen and unpredictable.

8. The Hysterical Conditions

The psychoneurosis called hysteria¹¹⁶ ranges from the grave forms of hysterical insanity to the slighter manifestations of the hysterical character or disposition. Both have a certain criminological significance, mainly in the female sex.¹¹⁷

Hysterical insanity is signalized by states of clouded consciousness, convulsions, delirium, and subsequent lethargy. Conditions of excitement, referring to adequate stimuli but excessive in their violence, are embedded. Sullivan has related cases in which pathological vindictiveness or amorous ambition led to reckless murderous attacks.¹¹⁸ There is a certain tendency to commit poison murders.¹¹⁹ Some cases have been incorrectly called murders without motive; there is always a motive, but a silly and remote one.¹²⁰ In the excited phase suicide may occur;¹²¹ often these are theatrical attempts which accidentally come to a successful but actually unwanted conclusion.

The befogged states of hysterical conditions bear a religious or erotic mark; false accusations of others are frequent. Some frigid types of prostitute belong to the erotic group.¹²² Alco-

116. From the Greek *hystera*, "womb," "uterus." Speaking of states of excitement, Kraepelin writes: "Sometimes they recur in connection with the menses." *Op. cit.*, p. 469.

117. "More than two-thirds of the patients are women." *Idem*, p. 458.

118. Sullivan, *op. cit.*, pp. 174-177.

119. Hysterical insanity probably prompted Mrs. Cordelia Botkin to send poisoned chocolate creams to her rival, E. H. Smith, *Famous Poison Mysteries*, pp. 15-31.

120. One hysterical woman wanted to turn suspicion of a poison murder attempt onto a candymaker; she ordered candies, added poison, and returned the drops as too large to the shop, where they were resold, resulting in violent complaint from another purchaser and suspicion falling on the businessman. Krafft-Ebing, *op. cit.*, p. 247.

121. Sometimes murder and suicide, or attempted murder and attempted suicide. For a case of this sort see East, *op. cit.*, pp. 308-311.

122. By "prostitute" I understand a psychological type of indiscriminate intimacy. The following report is interesting: "Mrs. Mensch said that sexual relationship was a part of married life she had most disliked. . . . She had no men friends for about a year after her husband deserted her in Chicago, but

holic symptoms are sometimes superimposed, concealing the basic degenerative condition.

The hysterical character is marked by the facility by which ideas and emotions cause physical symptoms; there is a lability of response to outside stimulations, and the stabilizing influence of stored-up associations and well-established inhibitions is missing. This character reflects the changing situations around the individual: there is now pliancy, then obstinacy of will; now sadness, then cheerfulness. There are sudden changes of feeling and appetite. The reverse seems to be sought for, since there is an irresistible attraction for the new, the sensational and thrilling. Passionate love is replaced by violent hate.

The imagination is animated;¹²³ unchecked by the intervention of critical faculties, real and fancied experiences are often confused. Moral insensibility is met,¹²⁴ and in the same individual excesses of self-sacrificing spirit are sometimes seen. This explains the altruistic criminal type which appears, leaves, reappears in the group of nursing personnel.¹²⁵

Hysterical expressions are only exaggerations of the normal mechanisms by which sadness causes tears, cheerfulness laughter, fright paleness, and so forth; in hysteria, ideas and emotions interfere with bodily functions more radically and with less, or without, restraint. Human beings of this character act on a lower level of mental evolution in which imitative, selfish, boastful,¹²⁶ and direction-reversing impulses are loosed. Many

finally had two men friends who came to see her at her home. She said she would be scared to have anything to do with them for fear of pregnancy. She said she would not 'sell her body' for physical pleasure, but would do it if she could receive enough money because of her craving for the 'riches of life.' Cavan, *op. cit.*, p. 138.

123. "I met a lovely member of Chicago's four hundred who spoke to me with tears in her eyes of Capone." Mary Borden, "Chicago Revisited," in *As Others See Chicago* by B. L. Pierce (Chicago, University of Chicago Press, 1933), p. 492.

124. Often reminiscent of moral imbecility and probably having a common basis of degeneracy. The divorce courts are well acquainted with such types, amusing and unendurable at the same time. Many inexplicably unfaithful wives belong to this category; when newly wedded wives on their honeymoon trip run off with casual acquaintances, when they are frigid only with their husband or fiancé and alluring with all other men, we may suspect a hysterical character. See Krafft-Ebing, *op. cit.*, p. 245.

125. Such nurses have been described by Folsom, *op. cit.*, pp. 68, 103; by Krafft-Ebing, *op. cit.*, p. 213; and by Smith, *op. cit.*, pp. 265 ff., 296 ff. Other cases are reported in the chapter on vocation and crime.

126. The dentist and poison murderer Waite confessed first to a newspaper, then to the police. Smith, *op. cit.*, p. 320.

of the ways of the child are quasi-hysterical, and some normal traits of the female are hysteroid. In hypnosis, mechanisms are operative—or rather, mental processes are withdrawn from operation—which are inactive also in hysteria.

Hysteroid reactions also come to light when masses are assembled; surprise, joy, or fright impair the higher brain centers and set free the blind impulses of imitation. In all situations of panic, direct responses are observed to the mere perception of other persons acting in a certain way. The American term "stampede" characterizes very well the blind common impulse and animal origin of the phenomenon. Thus great catastrophes tend to produce headlong running away or headlong attack on alleged enemies; real hallucinatory conditions in a few individuals may be passed on to large crowds, which accept and amplify the incoming suggestions without any attempt at critical resistance. Among the numerous instances of panic displays of mass hysteria, the great Chicago fire of 1871 may be mentioned. When all was over and the immediate danger had passed, two effects could be observed: first, it appears that some persons tried to prolong the exciting experience by setting fire to buildings that were left.¹²⁷ Yet there was hysteria in the other direction, too: the proclamation issued by Mr. Pinkerton can certainly be called hysterical.¹²⁸ And the lynchings of fire-bugs, real and imaginary, went on for days after the fire had ceased.¹²⁹

127. "And now in the darkness, in the city exhausted by fear and labor, a strange wickedness arose. . . . incendiaries crept and sneaked in the alleys and dark places of the city. . . . Whether these atrocious acts proceeded from hate of Chicago, or out of insanity no one can say." Edgar Lee Masters, *The Tale of Chicago* (New York, G. P. Putnam's Sons, 1933), p. 182.

128. "The looting must have been of quite a serious nature, and Mr. Pinkerton must have been given quite a lot of authority, for a proclamation issued at that time strikes a high pitch in frontier sensationalism:

ALLAN Pinkerton—PINKERTON'S POLICE
Thieves and burglars!

Kill these persons by my orders, no mercy shall be shown to them, but death shall be their fate."

Dorsha B. Hayes, *Chicago, Crossroads of American Enterprise* (New York, Julian Messner, 1944), p. 165.

129. "A boy was detected by firemen in the act of setting fire to a building in Thirty-second Street. He was instantly killed. A negro watchman shot and killed a man trying to fire a building at State and Thirty-second Streets. A woman was intercepted while applying a match to a barn on Burnside Street. She was captured and about to be hanged, but escaped. Two men were arrested while setting fire to a Jesuit Church on the West Side. They were promptly dispatched. A barn on the corner of Twentieth and Burnside Streets was

There was intoxication from alcohol¹³⁰ and from fright in terrible interaction.

Hysterical murderers, in many cases, assist the prosecution by what might be called a boastful confession. Their craving to feel important is greater than the instinct of self-preservation. Gordon Northcott, the "Ape-Boy" confessed without special reason and without being driven by remorse to his murders on a chicken ranch in southern California.¹³¹ In 1922 the 18-year-old Harry Jacoby, a sort of bellboy in one of the leading London hotels, murdered Lady White in her sleep. He made a confession when the investigation had reached a dead end. Superintendent Neil writes:¹³²

If any murderer on record ever furnished the police with evidence, that murderer was Jacoby. Supposing he had kept quiet? There was absolutely no evidence against anybody. I could not have held a soul, even on suspicion. No weapon was found, and, except for the few signs that the motive was robbery and that the robber had killed his victim there was nothing to go on. It was a case of a perverted mind in a young body.

It has often been complained that the publicity given to vicious and startling crimes breeds crime. With hysterical individuals, or with a person presenting traits of moral degen-

found in flames; and at the same time a man on the premises of suspicious character. He was put to death at once. Tuesday morning an incendiary was discovered in the basement of a building on Fourth Avenue. He tried to escape, but was pursued by the crowd and stoned to death." Masters, *op. cit.*, p. 182.

130. "The Mayor had issued another proclamation directing the closing of the saloons, but no attention was paid to it; the police made no endeavor to enforce it, and in nine cases out of ten were themselves intoxicated." Rev. E. J. Goodspeed, *History of the Great Fires in Chicago and the West* (New York, H. S. Goodspeed, 1871), p. 277.

"... the crowd," says another eye-witness report, "breaking into a liquor establishment were yelling with the fury of demons as they brandished champagne and brandy bottles. . . . A fellow standing on a piano declared that the fire was the friend of the poor man." Pierce, *op. cit.*, p. 202.

131. Stanley, *Men at Their Worst*, p. 206. "Soon after he confessed to us he was carried into the hospital after announcing he had taken poison.

He had written farewell letters to his father, and the warden, and then taken a spoonful of poison, smuggled in, so he said, by another inhabitant of Condemned Row. He told this in great detail and what appeared to be great suffering. The entire thing was a hoax." *Idem*, p. 208.

132. Neil, *Man-Hunters of Scotland Yard*, p. 110.

eracy on a basis of hysteria,¹³³ the effect can be different. The notoriety involved makes the publicity-seeker speak. In this way notoriety is repressive of further crime.

Hysterical reactions are often seen in prisons; many of the difficulties experienced in institutions for female offenders are of this origin.¹³⁴ The emotional tension of one or several patients reaches the breaking point when a responsive public is found or expected. There is a tendency to self-mutilation,¹³⁵ destruction, aggression, all with a tinge of theatricality, although the show—in an attempted suicide, for instance—may by bad luck lead to a tragic outcome. The psychic infection may run through large crowds. Normal occasions of various sorts may betray a disposition to hysterical reactions.¹³⁶ To provide the ever-present tension with a relatively harmless outlet is good prison policy.

The assertiveness of the swindling salesman, his cold and reckless unscrupulousness, rest in many cases on a hysteroid basis.¹³⁷

133. Of Jacoby Neil writes further, "His inordinate conceit was astounding. I remember well his saying to me: 'Oh! I just wanted to test you detectives, to see what powers of observation you all possessed.'" *Ibid.* A photograph (p. 132) reveals the unconcerned insensibility and empty vanity of this youthful murderer, who was hanged.

134. "Like the roar of caged animals the rest of the ward rose and began howling and pounding their doors. Those who were given to profanity used it with full effect. From somewhere came the shrill noise of splintering glass. The pounding and yelling along the corridor grew." O'Brien, *So I Went to Prison*, p. 136.

135. "The last major disturbance of my regime occurred in June of the next year. For some reason a group of six girls . . . secreted shears from a sewing room, cut each other's hair, locked themselves in one of their rooms and barricaded the door. Then they tore the screen out of the window, yelled and cursed, and gave a good imitation of a madhouse." Harris, *I Knew Them in Prison*, p. 173.

136. See the descriptions of a New Year's Eve pandemonium in San Quentin by Lowrie, *My Life in Prison*, p. 389, and Stanley (*op. cit.*, p. 221), who writes, "All that night thousands of prisoners would aid the passing of the old year by beating on their cell bars with tin cups, buckets, and stools. Those who had musical instruments created a discordant bedlam. As the evening lengthened the noise grew worse. Six thousand men roared like wild animals."

137. "The super-swindler must fascinate his victim with his dramatic personality, must be able to 'hold him with his glittering eye,' and overwhelm him with a flood of words. The most dangerous are those who are a little crazy—enough so as almost to believe their own stories." Charles E. Still, *Styles in Crime* (Philadelphia, J. B. Lippincott Co., 1938), p. 121.

9. Intoxication Psychoses

Alcoholism

All toxic substances introduced into the organism may produce mental disorders. Yet of the many toxic compounds only few have practical significance in criminology.¹³⁸ They are: alcohol, morphine, and cocaine.

Acute alcoholic intoxication does not require a description.¹³⁹ From an expansive phase it proceeds to the stage of paralysis in speech, gait, and moral inhibitions. In the excited stage of the intoxication, homicides, assaults, malicious damage, sex offenses may occur. The suppression of the inhibitory mechanism often allows predatory propensities to come to the surface. There are apparently wide racial and national variations. It has been said that Negroes have a relative immunity to the toxic action of the alcohol; Patton claims that while he observed much drunkenness in colored people, "the organic changes in acute and chronic alcoholism are rare."¹⁴⁰

Chronic alcoholism has one principal symptom: the moral decline of the patient. In his loss of emotional response to the sufferings of his children and wife there is a certain similarity to the moral injury caused by the schizophrenic process. This moral depravity is responded to by the hate, contempt, and fear

138. Of these poisons one, hashish (from the Arabic *hasis*), has given rise to the term "assassins," that is, hashish addicts: a Mohammedan sect which under the influence of the drug committed religious terror murders.

139. See the picture given by Kraepelin, *op. cit.*, pp. 162-164; East, *op. cit.*, pp. 249-250; the view of Wilson and Pescor is interesting (*op. cit.*, pp. 179-180): that among normal men alcohol may have a tendency to prevent rather than to cause crime. By "inhibiting inhibitions" it may produce an emotional relaxation, a diminution of nervous tension and a reduction of eventual criminal activity. "We hear a great deal," the authors write, "about men who get drunk, go home, and beat up their wives; but we hear very little of the vast numbers of men who get drunk to keep from going home and beating up their wives." *Ibid.*

On intoxicated politicians see O. G. Villard, *Fighting Years* (New York, Harcourt Brace & Co., 1939), pp. 227-228, and G. F. Milton, *The Age of Hate. Andrew Jackson and the Radicals* (New York, Coward-McCann, 1930), pp. 145-151, the latter for Andrew Johnson's inaugural speech in the Senate. On an alcoholic General, "Fighting Joe Hooker," see Carl Schurz, *Reminiscences* (New York, The McClure Company, 1907), II, 430-431; on intoxicated jurymen see Arthur Train, *The Prisoner at the Bar* (New York, 1922), pp. 332 ff.

140. J. H. Lewis, *The Biology of the Negro* (Chicago, University of Chicago Press, 1942), p. 98.

of family members and neighbors. A vicious circle of irritating degeneration, irritated surroundings, and doubly irritable patients is thus formed. The alcoholic is quarrelsome, the family adverse and negative. Becoming unfit for the task of breadwinner he becomes the indifferent nonsupporter whom we see leading a tramp life in the midst of his family. The fatigue of alcoholics is regarded as mere laziness; many short jail sentences only increase their incapacity and their "unwillingness" to work. Some reveal by their alcoholism a constitutional intolerance for mental suffering. "Many are driven to drink by unfortunate circumstances at home; the death of a relative, a sick child, and an ugly wife are frequent incentives."¹⁴¹ The homicidal alcoholic may receive some attention and be investigated by the psychiatrist. But the countless chronic alcoholics who have committed larcenies, petty swindles, or embezzlements—physically repulsive, provocative in their irritability, remorseless in their depraved nonchalance—are rarely in the court's good graces.

The diminished instinct of self-preservation makes chronic alcoholics easy victims. Whole groups of the population live on them: jack-rollers, waiters who dilute the drinks and systematically give short change,¹⁴² owners of low betting or gambling places, and so forth. Of 1,000 cases received into Brixton Prison for attempted suicide, East found that 393 were either due to alcohol or had alcohol entering into their causation. Sullivan's figures for 110 cases rose to a percentage of 79.1 alcoholics in attempted suicide.¹⁴³ In female suicides the percentage was even 87.5. In more than half of East's 393 cases of attempted suicide the alcohol had to be added to some psychic trauma to release the motor outburst: unemployment, quarrels, loss of money, bereavement, love trouble, arrest, depression from syphilis, phtisis, or influenza.¹⁴⁴ The imposing array of social perplexities, otherwise kept to latency, is mobilized and activated by the toxic substance. Whether the outbreak is turned against a fellow being or against the subject himself depends often merely upon an accidental constellation of circumstance.

Again, the use of sharp instruments in alcoholic suicide at-

141. Kraepelin, *op. cit.*, p. 167.

142. Benney, *Low Company*, p. 186.

143. East, *op. cit.*, p. 253-254.

144. *Idem*, p. 254.

tempts must cause surprise. In 350 such attempts, East found that 29% used a sharp instrument; poison appeared 26% of 473 suicide attempts.¹⁴⁵ It must be kept in mind, of course, that suicides by poison have a high failure rate, especially among women.

Delirium tremens, a met-alcoholic disorder, frightens the patient by terrifying hallucinations against which he may defend himself by a murderous act. In other cases the ailment may first find expression merely in some unlawful gesture—a senseless larceny for instance.¹⁴⁶ Only after arrest does the otherwise inconspicuous individual develop the full syndrome of delirium tremens; that the morbid condition has subsisted in a masked form previously cannot be doubted.

“One of the physiological effects of alcohol, if long continued to excess, is the diminution of sexual power . . .”¹⁴⁷ Desire, however, may be increased. The situation, taking into account the quarrelsomeness and repulsive physical condition of the alcoholic husband, may easily lead to adultery.¹⁴⁸ The ideas of jealousy which observed in some forms of alcoholic insanity (hallucinatory dementia or paranoia) may thus be justified. Well founded or not, these apprehensions or delusions often result in homicide.¹⁴⁹

Sullivan has described the typical manifestations of such morbid, often homicidal jealousy.

. . . the suspected wife is watched . . . if her feet are cold at night, it is because she has been out meeting her lover; if she sleeps soundly when she goes to bed, it is because she is exhausted by her amorous excesses during the day; if her rest is broken it is because she is trying to keep awake for an assignation. And when this state of things has gone on for weeks or months, the final quarrel comes, probably after one or more separations and reunions, and the woman is murdered.¹⁵⁰

145. *Idem*, p. 255.

146. Case 45, *idem*, p. 269.

147. Wilson and Pescor, *op. cit.*, p. 182. Kraepelin, *op. cit.*, pp. 199–200.

148. “. . . wives of drunkards are probably more likely to be untrue to marriage vows than are the wives of sober men.” Wilson and Pescor, *loc. cit.* One might well say, “than wives of potent men.”

149. Kraepelin, *op. cit.*, p. 199. For cases of such infidelity delusion see Krafft-Ebing, *op. cit.*, pp. 187–190.

150. Sullivan, *op. cit.*, p. 75.

In women insane jealousy developed from an alcoholic basis takes a more introvert turn: ". . . the condition does not lead so often to the murder of the suspected partner. More frequently it culminates in suicide, in the murder of the children, or occasionally . . . in attempts to mutilate the husband's genital organs."¹⁵¹

The false confession of the alcoholic subject has already been mentioned in discussing the same phenomenon in epileptics. In both cases a disposition to commit the alleged crime may be presumed. That this imaginary action, through the removal of still operating inhibitions, might easily become real is obvious. All these false confessors are potential doers. Whether they imagine or act depends not on them but on the chance combination of the developing pathological process with circumstances.

Acute or chronic alcoholism is still regarded rather as a vice which can be overcome by a simple act of volition than as a mental disorder. Prison doctors will tell us, as S. Kahn does: "A number of prisoners suffer from some form of alcoholic deterioration and yet are classified as being of sound mind. . . ." ¹⁵² In prison there is usually an opportunity to obtain intoxicants.¹⁵³ Sugar, yeast and other ingredients for making a home brew can be procured from the prison stocks.¹⁵⁴ Making liquor and being intoxicated are offenses for which prisoners are regularly reported and punished.¹⁵⁵ The frequent infrac-

151. *Ibid.*

152. "Alcoholic patients in the New York City and State Hospitals whose mental symptoms are not nearly so paramount, are certified as being psychotic. In the penal institutions, particularly at Sing Sing, persons in like conditions are considered normal. . . . Is it any wonder that they are recidivists?" Kahn, *Sing Sing Criminals*, p. 92.

153. "For instance, the garage has to use wood alcohol as an antifreeze solution for automobile radiators. Likewise the paint shop uses wood alcohol in shellac. Of course, wood alcohol is poisonous, but that does not deter inebriates from drinking it. The institutional barber shop may supply alcohol in the form of hair tonic. The hospital is the 'hottest' spot of all. The drug room must have pure grain alcohol in order to compound medicines. Physicians must be on guard constantly to prevent a run on cough mixtures or other remedies with an appreciable alcoholic content. . . . The familiar skull and crossbones label on a bottle holds no terror for alcoholics." Wilson and Pescor, *op. cit.*, pp. 184-185.

154. "On the farm he can use berries, dandelions, or even silage to make wine. If he has money, he can establish outside connections or bribe custodial officers to smuggle liquor into the institution." *Idem*, p. 185.

155. *Reports of the Warden of the Colorado State Penitentiary*: 1930, p. 44; 1934, p. 47; 1936, p. 39; 1938, p. 34.

tion of "fighting" is often of alcoholic genesis or drug produced.

The tremendous social significance of alcohol intoxication rests in the fact that many aberrant mental types are in a precarious suspension between right and wrong, and alcohol "just turns the balance."¹⁵⁶

Morphinism

For whatever reason—a growing intolerance of pain or an excessive increase of agonizing stresses—analgesics have entered the field of intoxicants of consequence to criminology. To a large degree our clientele in this case belongs to a given economic layer¹⁵⁷ and a peculiar vocational group;¹⁵⁸ the high proportion of females, higher in the United States than in European countries,¹⁵⁹ may be explained by the different ratio of professional women. The many exhausting and extended wars of the last 30 years have added to the use and abuse of morphine.

In acute intoxication the alkaloid abates the volitional impulses; ideation is accelerated and stimulated. The euphoric state is followed by sensations of discomfort and qualm, which prove the profound involvement of the whole system. Morphine, which retards the motor impulses, has no criminological import at this stage, although sale and traffic in the drug have been made offenses.

Chronic intoxication, however, has two effects: while intelligence is not profoundly disturbed, the highest psychic functions are damaged (character, morals, emotionality, volition).

On the alcoholic victim see Lawes, *Meet the Murderer*, pp. 113–115; on the alcoholic judge, Ephraim Tutt, *Yankee Lawyer*, pp. 93–94.

156. Healy, *The Individual Delinquent*, p. 271.

157. "... there are more addicts in the upper and middle strata of our society than there are in the underworld. Such addicts can never be counted because they can obtain the 'stuff' easily. A wealthy addict is never arrested because he does not have to go out on the street to purchase his drug. Accordingly most of our statistics are based on the arrests of pauper addicts and those who are criminally inclined." Lichtenstein, *A Doctor Studies Crime*, pp. 35–36.

158. Doctors, dentists, chemists, professional nurses, prisoners.

159. Of all prisoners admitted to federal prisons in 1940 for Narcotic Drug Act violations, 17% were male and 82% female. Of the male drug addicts, 4.0% were widowed, of the female 17.7; the rate of divorced was 8.6 on the male and 11.8 on the female side. Computed from figures in *Federal Offenders*, 1940, p. 365.

There may be depression, even *taedium vitae*, or terrifying hallucinations. Complete neglect of all social obligations and conventions may alternate with overfriendliness.¹⁶⁰

The progressive decline of sex activity is a conspicuous symptom. The category of chronic intoxication includes some cases of homicide or suicide; the social decline and loss of economic status may explain a certain number of property offenses which would not have been committed otherwise. On the whole the condition tends more to block than to stimulate action. Of course, only the gravest cases are known. Of 119 addicts studied by Dr. Lawrence Kolb 90, or 75%, were never arrested during the entire course of their lives;¹⁶¹ the rest were mostly apprehended for drunkenness and disorderly conduct and not for infringement of the Narcotic Drug Act. Nelson mentions a prison in which he was confined in which about 120 out of 900 inmates were drug addicts.¹⁶² This would be a rate of approximately 12-15%. In view of the small proportion of nonproperty crimes in any of our state prisons, this number seems very high.

The main disorders of conduct are likely to result with the so-called "abstinence symptoms." Poverty¹⁶³ or other situations¹⁶⁴ may render the drug unobtainable. There is depression, restlessness, also anxiety hallucinations; even fatal breakdown. There may be delirious conditions accompanied by all signs of a nervous and bodily collapse. In order to find relief from these painful sensations the patient has to have more morphine. To get the necessary money he will not abstain from larceny, forgery, burglary, and embezzlement. Nelson's objection that many addicts fight and win and do not succumb to the craving for delivery from the intense discomfort may hold good in some

160. Of the nurse Jane Toppan who murdered several patients we learn, "She was an amiable, attractive, kind, considerate member of the household, always willing and able to entertain agreeably the family and their friends . . ."

"It was characteristic of her that she gave her landlady a present of a handsome nurses' dressing-case after she had paid her bill for care and board. . . ."

"Under the stimulation of morphine intoxication she was voluble, fluent, and delightfully exhilarated . . . When she was arrested she had been addicted to the use of morphine for a number of years." Folsom, *op cit.*, pp. 110, 111, 135.

161. Wilson and Pescor, *op. cit.*, p. 188.

162. Nelson, *Prison Days and Nights*, p. 178.

163. Healy has stressed the part played by economic want. *Op. cit.*, p. 277.

164. Krafft-Ebing speaks of an addict who lost his morphine on a sea journey, asked the ship's doctor in vain for the drug, then stole it from his cabin. *Op. cit.*, p. 210.

cases.¹⁶⁵ In general there is real danger that abstinence symptoms, whether produced through scarcity¹⁶⁶ or lack of money or isolation, seek relief regardless of the social values which may stand in its way.

Drug addicts in this stage may be made to talk as witnesses or informers.¹⁶⁷ As potential members of a well-organized gang they are therefore as undesirable as a man profoundly in love. Their main loyalties are outside of gang-land. Speaking of fixing, a professional thief has this to say: "The post-office inspectors are thought to be most straight and efficient, and they do not frame cases. The narcotic-drug and prohibition officers are a very different lot."¹⁶⁸

Cocainism

Acute cocaine intoxication in many ways resembles alcoholic intoxication. The stimulation of motor impulses is followed by a drop of all motor functions to a low level. In the activated stage the patient is pseudo-energetic, fearless, overactive. In chronic intoxication, lack of initiative and an emotional instability changing from euphoria to anxious tensivity are added. The inertia and apathy lead to a decline of social status and family cohesion. As in morphine intoxication, nutrition is profoundly disturbed. "In spite of increased sexual excitement,

165. ". . . that it will sap a man's principles of conduct to the point where he will sacrifice the reputation of a friend, or hurt his own mother [notice the order] is an utterly false notion. I have known of addicts who went through the most unbearable anguish rather than do these very things." Nelson, *op. cit.*, p. 184.

166. The crime-producing effect of law enforcement is referred to by Nelson, who writes (*op. cit.*, pp. 173-174): "It is true . . . that the drug addict sometimes resorts to true crime. There are times when, because of the unusual activity on the part of narcotic agents, he does not dare to ply his usual trade. At such times he is likely, temporarily, to commit the pettier types of crime in order to get the money with which to support his drug habit."

167. "He [the informer] had probably smoked opium the night before he was arrested, because he was a nervous wreck when arraigned on Saturday. Sunday morning he saw the District Attorney in the jail, begged to talk to him . . . [A] court reporter was called in to take down his statement while Randle paced the floor like a caged lion, shaking like a leaf, wanting to talk and then catching himself. With his face twisting and his teeth chattering, he would tell a little, then shut up like a clam. He was wild for dope, promised to do anything if they would get him some, but finally controlled himself, refused to talk further, and was taken back to the jail." Philip S. van Cise, *Fighting the Underworld* (Boston, Houghton Mifflin Company, 1936), p. 257.

168. Sutherland, ed., *Professional Thief*, pp. 115-116.

the sexual power diminishes.”¹⁶⁹ This symptom, already met in alcoholism, has a parallel in the delusions of infidelity often found in the cocaine hallucinosis. In this gravest stage of the intoxication the patients hear menacing, denouncing, and commanding voices, especially at night when they are tortured by insomnia. It is during the night that the cocaineist may assail his persecutors, his unfaithful wife or the supposed paramour, or may commit suicide. The hallucinations often fade in daytime and are corrected.

Nelson thinks that the “very conspicuousness of the effects of cocaine” makes the “average criminal shun it as he would the plague,”¹⁷⁰ although when other drugs are not obtainable he may seek temporary relief by this means. Yet it is true that cocaine is used by criminals, partly for its tonic effect, partly because there is no danger of abstinence symptoms.¹⁷¹

The mental stimulation caused by a dose of cocaine may be helpful in encountering risky situations other than the criminal act itself: interrogation by the police or the district attorney, or questioning during a criminal trial.¹⁷² It is the perfect succor in a cross-examination. It is my opinion that I.Q.’s would appear much higher under the influence of this drug. Since desirable jobs depend on a good intelligence showing there is an incentive to the practice among those who seek places in the world of legitimate activities. For the same reason, drug addiction when known may exclude from privileged positions, and in prison delay release on parole. The propensity is therefore carefully hidden. Of 275 Sing Sing convicts only 4, or 1.5%, admitted drug addiction.¹⁷³ The real figures in a state prison receiving most of its inmates from a metropolitan area are probably ten times higher, disregarding the occasional users of morphine or other drugs.

That Negroes require smaller doses of anodynes, sedatives, and hypnotics for effectiveness has been claimed by Niles.¹⁷⁴

169. Kraepelin, *op. cit.*, p. 210.

170. *Op. cit.*, p. 180.

171. Nelson says (*idem*, p. 181) that the drug makes a criminal “too reckless and generally irresponsible to function properly”—but what is the proper function of a criminal? European detectives take every precaution in approaching criminals who are known to sniff cocaine. They are believed to be quick on the trigger and to take very good aim under the influence of the drug. It is not impossible that some persecutory element enters into their hurried reaction.

172. Healy, *op. cit.*, p. 277.

173. Kahn, *op. cit.*, p. 89.

174. Lewis, *op. cit.*, p. 98. An almost complete and special pharmacopoeia was utilized in slave days for the treatment of diseases among slaves. *Idem*, p. 97.

Marihuana and Peyote

Two drugs have lately become medical as well as social problems in the United States. Their rapid dissemination would be more ominous if they were not successful competitors to other, older intoxicants, alcohol for instance.

Marihuana, known as hashish in the Orient,¹⁷⁵ *bhāng* in India, and *anascha* in Russia, has been used in Asia from immemorial times. We have descriptions of its effects by the French writers Gautier, Dumas, and Baudelaire, as well as De Quincey's well-known book.¹⁷⁶ The oriental water pipe has been replaced by the handy cigarette, peddled by an army of helpers, hot dog or ice cream street vendors, taxi drivers, bellboys and streetwalkers. The raw material grows wild in rich abundance. It is reported that seeds are planted in open city lots—in New York for instance—and harvested later under cover of night. Cannabis or hemp plants are incessantly destroyed where discovered.¹⁷⁷ Yet plants are still found in gardens, open fields, on railroad embankments, in public parks and prison yards. It cannot be rooted out completely.

The main effects of the drug are upon the emotional life and the motor sphere. There is a pronounced euphoria. The smoker is "capable of anything and everything. No task would be too great, no problem too difficult."¹⁷⁸ There is groundless laughing, or sometimes weeping. The term "giggle-smoke" for marihuana is an indication of this disturbance;^{178a} it is the same morbid feeling of well-being as that produced by cocaine, morphine, alcohol, and tobacco, and met in some psychotic stages.

The motor excitement leads us deeper into the possibilities of social conflicts. There is a scale in this acceleration of impulses, reaching from a morbidly eased flow of ideas to facial expression, gesticulation, speech, and movement.¹⁷⁹ A condition is at-

175. The Arabic *hasīsh* means "grass" or "herb."

176. All quoted extensively by Robert P. Walton in his *Marihuana. America's New Drug Problem* (Philadelphia, J. B. Lippincott Company, 1938), pp. 56-96.

177. To help in botanical identification of the weed the Treasury has published a well-illustrated leaflet: *Marihuana, Its Identification* (Washington, Treasury Department, 1938).

178. Walton, *op. cit.*, p. 95, quoting Schneider.

178a. *Idem*, p. 195.

179. An investigator says, "... inclination to motor activity was much increased. 'It felt as if all joints of the body were freshly lubricated.'" Walton (quoting Munich studies by Kant and Krapf), *op. cit.*, p. 106. Bromberg in

tained which in marihuana slang is called "foxy"; according to Walton this apparently means "to become apprehensive and intuitive."¹⁸⁰ It is likely that this state of motor excitement predisposes for specific offenses such as reckless driving, manslaughter, and assault, but no reliable and sufficient material has yet been presented. One would also expect a greater alertness and readiness on the part of drugged persons to be led into a criminal enterprise.¹⁸¹ Walton reports that in Mexico fighting animals are doped with marihuana, especially fighting cocks.¹⁸² According to Indian and Egyptian statistics of toxic psychoses, hemp comes first (followed by alcohol in the Indian figures).¹⁸³ Addicts are known to become dangerous at a certain stage.¹⁸⁴

That marihuana stimulates the sexual instincts has often been confirmed, sometimes contested. The slang term "love weed" points in the direction of aphrodisiac effects. The deep inroads the habit has made upon our high-school population is probably more due to the increased facility of courting talents, so vital at this stage of evolution, than to direct aphrodisiac stimulation. Yet it may be in a number of cases that the restraining power of inhibitions is released by the drug.

Marihuana became a prohibited drug and subject to federal control in the United States in October, 1937.

Peyote is a cactus, *lophophora Williamsii*,¹⁸⁵ growing in Mexico and around the Rio Grande. The plant, known by the Aztec name "peyotl," was accurately described by the Spanish conquerors of Mexico;¹⁸⁶ many religious cults centered around it and the cactus was regarded as sacred. "It is only within the last fifty to seventy-five years . . . that some of these cults have spread into the United States."¹⁸⁷ Indians are rather re-

New York reports: "Walking becomes effortless. . . . Speech is rapid, flighty, the subject has the impression that his conversation is witty, brilliant; ideas flow quickly." *Op. cit.*, p. 112. 180. *Idem*, p. 195.

181. A few contradictory opinions are to be found in D. R. Taft, *Criminology* (New York, The Macmillan Company, 1942), p. 257.

182. *Op. cit.*, p. 25.

183. *Idem*, p. 144.

184. *Idem*, p. 145.

185. Three good plates showing the disc, the root, and the whole plant may be found in W. E. Safford's *Narcotic Plants and Stimulants of the Ancient Americans*, Annual Reports of the Smithsonian Institute, 1916 (Washington, 1917), plates 5, 6, 7 on pp. 387 ff.

186. See the report of the historian Sahagun (1490-1590). *Idem*, p. 401.

187. Paul Radin, ed., *Crashing Thunder. Autobiography of an American Indian* (New York, D. Appleton & Co., 1926), p. 169.

luctant to inform the white man on the use of the stimulant in the peyote cult.¹⁸⁸ Some have attempted to stress the religious symbol instead of the narcotic properties, shrewdly likening peyote to cult-objects of the Christian belief.¹⁸⁹ They have avoided a comparison with the sacramental wine, which would be more proper.

When investigating the conditions of the American Indian Senator Thomas gave this description:¹⁹⁰ "Peyote is used in two forms: in the green form and in the dry form. In the green form it is about the size of a hen's egg or plum, and it is a kind of gelatinous substance and very bitter. When it is dried it is like a dried peach. . . . In Oklahoma it is used by the Indians, so far as I know, universally in connection with their religious services. . . . They also use sage in connection with peyote."

The peyote and mescal psychoses have recently been examined experimentally. A small book by Heinrich Klüver has given a summary of the main studies carried on by Beringer and Rouhier.¹⁹¹ Our interest is limited to the disturbances produced

188. During the Senate investigation of the condition of the Indians peyote came to be mentioned:

Senator Thomas: "Where does it come from?"

Driskill: "Most of it, I understand, comes from Texas."

Senator Thomas: "How do they use it?"

Driskill: "Some of them eat the dried beans or fruit, as you may call it, and others make a tea out of it and drink it."

Senator Thomas: "Is it not used in conjunction with their religious ceremonies?"

Driskill: "I am sure I do not know that they have any religious ceremonies in connection with the peyote bean; they may have."

Senator Thomas: "Is there any complaint that it is being used to excess?"

Driskill: "No, Sir."

Senator Frazier: "It is not a problem then on the reservation, as far as you know?"

Driskill: "No, Sir. It is not."

Survey of Conditions of the Indians in the United States (Washington, Government Printing Office, 1934), Part 27, pp. 14, 525.

189. "The Antler woman who went to the State Capitol to defend the use of peyote before the legislature advanced the following argument. 'You who are Protestants would not think of going to church without your prayer books, and you who are Catholics would not think of going without your rosaries. The peyote is the prayer book and the rosary of the Indian.'" Margaret Mead, *The Changing Culture of an Indian Tribe* (New York, Columbia University Press, 1937), p. 108.

190. *Survey of Conditions* . . . , pp. 14, 526.

191. Heinrich Klüver, *Mescal. The Divine Plant and Its Psychological Effects* (London, 1928); K. Beringer, *Der Meskalinrausch* (Berlin, 1927); A. Rouhier, *Le Peyotl* (Paris, 1926).

by the drug in emotional life and in conduct. A series of observations made by anthropologists come to our assistance. The superintendents of Indian reservations do not take a very firm stand, and try to minimize a situation which seems to be overdrawn by zealous reformers.¹⁹² In the midst of this confusion an objective study of the physiological¹⁹³ and psychological effects is needed. Laboratory tests do not suffice; in some vital manifestations we do not know whether they are brought about by the drug or by the ritual conditions under which it is consumed (feasting, long vigils, prolonged singing, etc.). We are not interested here in the issue of mescal visions,¹⁹⁴ although they may of course affect action indirectly.¹⁹⁵ "Those who eat or drink it," writes the old Spanish historian, "see visions either frightful or laughable."¹⁹⁶ Crashing Thunder's father tells him:¹⁹⁷

I . . . ate the peyote buttons just as they were. They were very bitter and had a taste difficult for me to describe. . . . I was now very quiet for the peyote had somewhat weakened me. . . . After midnight I would every now and then hear someone cry. . . . They cried very loudly. I was rather frightened, especially when I noticed that when I closed my eyes and sat still, strange things began to appear before me.

The leader of a peyote meeting reports:¹⁹⁸

192. The superintendent of the Uintah-Ouray Reservation in Utah reported: "Only a few are addicts of peyote. It is believed that the use of peyote is gradually decreasing and so few indulge in its use that the results are not perceptible." *Survey of Conditions* . . . , pp. 14, 734. But: "In one United States agency the records show that peyote is responsible for 100 per cent of the recent cases of insanity." G. E. E. Lindquist, *The Red Man in the United States* (New York, George H. Doran, 1923), p. 72.

193. A white government official: "Peyote is first a cathartic and then it produces dreadful constipation; you'd never believe some of the awful operations they have to perform on Indians that use it." Mead, *op. cit.*, p. 109.

194. Nor other symptoms. "Walking was performed with remarkable ease." "Very often mention is made of unpleasantly toned pressure sensations caused by the clothing." Klüver, *op. cit.*, pp. 91, 93. The last effect may of course become responsible for disrobing practices during the meetings.

195. "The young men tell me that they see white women come to them." Mead, *op. cit.*, p. 109.

196. Report of Sahagun, Safford, *op. cit.*, p. 401.

197. Radin, *op. cit.*, pp. 176-177.

198. *Idem*, p. 180.

. . . then day dawned and I laughed. Before that I had been unable to laugh. . . . Suddenly I saw a big snake. I was very much frightened. Then another one came crawling over me. "My God! Where are these snakes coming from?" There at my back there seemed to be something also. . . . Then I turned in another direction and I saw a man with horns and long claws and with a spear in his hand.

A delightful euphoria seems to prevail during the meetings,¹⁹⁹ which come to a climax between midnight and dawn. The ensuing stupor has been ascribed to night celebrations,²⁰⁰ but is more likely an aftereffect of the drug.

Peyote eaters are said to shun alcohol and tobacco.²⁰¹ The discs are supposed to inhibit sexual desire.²⁰² The Aztecs believed that the drug gave them "courage to fight"; under it they became fearless.²⁰³ It may be that other ingredients were added in Mexico, since modern Indians have an opposite view.²⁰⁴

199. ". . . everyone seemed happy and glad. I, however, was very serious, and wondered why they were all laughing." Radin, "A Sketch of the Peyote Cult of the Winnebago," *Journal of Religious Psychology*, VII (1914-15), 14.

200. "The long night vigils dulled the men and made them unfit for work . . ." Mead, *op. cit.*, p. 108. Senator Thomas declared during the Senate survey: "Naturally having been up all night participating in religious services, the next day they are sleepy and they lie down in the shade or any place it is convenient and sleep. People see them there, and knowing they have been out to a religious service, think they are drunk or under the influence of some obnoxious weed. It is my judgment . . . they are just sleepy." *Survey of Conditions* . . . , pp. 14, 526.

201. ". . . those who partake, stop their drinking. Sick people . . . get well. . . . They stop smoking and chewing tobacco." Radin, *Crashing Thunder*, p. 171. The officials disagree: "The harm done by this drug," says one superintendent, "is not considered as great as that done by intoxicating liquors." *Survey of Conditions* . . . , pp. 14, 462. In a Report on the *Prohibition of Use of Peyote* (House of Representatives, 65th Congress, Second Session [Washington, 1918], Report 560, p. 2) we read: "It is used as a substitute for intoxicating liquors, and that of itself should be sufficient to justify the enactment of this provision."

202. Klüver, *op. cit.*, p. 101. In *Crashing Thunder* we hear that a man "was very fond of whiskey, chewed, smoked and gambled. He was also terribly addicted to women. . . . I gave him some of the peyote and he gave up all the bad things he was doing" (p. 183). "Useful remedy for functional impotence," says—to our surprise—Report 560 just quoted (p. 11).

203. Sahagun, quoted by Safford, *op. cit.*, p. 401.

204. "He had a very dangerous disease. He even had murder in his heart. Today [after eating peyote] he is living a good life." Radin, *op. cit.*, p. 183. He adds, "Whoever has any evil thoughts, let him eat the peyote and he will lose all his bad habits. It is a cure for everything bad."

As far as we know, peyote does not produce the planless over-activity of cocaine or the ready release of motor impulses of the alcoholic. Whether long abuse produces moral deterioration must be left to further study. If peyote in the form and dosage taken by the North American Indian rendered the taker over-active and violent—if it were a profoundly disturbing factor in the “hinterland of character”—we should probably have learned much more about the strange drug.

10. Psychopathies

Wherever a chronic and serious disorder in conduct cannot be traced back to a psychosis, a neurosis, or the motley mass of mental deficiencies, we fill the gap in our information by labeling it “psychopathy.” Unfortunately our tendency to minimize annoying conditions has given the designation “psychopathic” to insanity; we speak of psychopathic wards and not psychiatric clinics. Healy therefore uses the term “psychic constitutional inferiority,”²⁰⁵ following the example of Adolf Meyer. The French psychiatrists, again, speak of “neurasthenia” or “psychasthenia,” but all these denominations have not succeeded in competing victoriously with the term “psychopathy.”

The term is vague enough to cover a field whose limits are continually shrinking and shifting. According to the rather broad definition of Kraepelin, psychopathies are marked by the “morbid elaboration of normal stimuli as manifested in a morbid misdirection of thought, feeling, and will throughout life.”²⁰⁶ Defective intelligence is only a minor point in some cases; often the intelligence is highly developed and permits the psychopath to escape the consequences or cushion the shocks of his foibles and debilities. French students, therefore, for a period maintained the designation *folie raisonnée*, by which they alluded to the preservation of the intellectual powers.

In psychopathy the character—that is, the habitual way of responding emotionally and impulsively to incoming stimuli—is impaired. Pathological processes, past or present, cannot be established, although they may sometimes be suspected. There is no trace of disease or arrested development. There seems to be something like a deformity in the realm of the highest psy-

205. Healy, *op. cit.*, p. 575.

206. Kraepelin, *op. cit.*, p. 485.

chic functions, a variation in the playful inventiveness of nature.

Incorrectly, as I think, disorders have been included in the large family of psychopathies where rough anthropological departures from the norm are conspicuous. I mean by this the group of sexual aberrations, homosexuality in particular. These are practically of some importance, but cannot be discussed in a book on crime; they must be studied in the specific literature, since superficial information is likely to create the positiveness of full knowledge. Among the New York sex offenders who went out on parole 30.1% were classified as psychopaths.²⁰⁷

In all Massachusetts state institutions there were 3,898 male prisoners on January 1, 1938.²⁰⁸ At the end of that year, at the State Farm alone, there were 472 "feeble-minded" male offenders: of these the report states, ". . . many of them have sex weaknesses."²⁰⁹ In addition there were approximately 300 borderline feeble-minded, psychoneurotic, psychotic, and homosexual prisoners in three other state institutions.²¹⁰ This constitutes about 20% of the total number of prisoners, among them many I should prefer to diagnose as psychopaths "showing sex weaknesses." In the latter realm it is not so much misconduct, judged socially, that matters, as the profound disorder of the most important physical system on which the perpetuation of mankind relies. Many of our highest psychic manifestations are intimately linked to normal sex life. All these deep-seated disorders are different from and much more than psychopathies. Moreover, abnormal anatomical conditions cannot be put on the same level as functional deviation.

Among the psychopaths may be mentioned the despondent, the excitable types, and all those who present compulsions (to commit murder, arson, larceny, suicide, or to wander), those with pathological fears, the morbidly unstable, and so forth. Psychopaths may be called defectives according to the Binet-Simon of life. Of course they often do survive, sheltered by wealth, an understanding family group, a kind husband or wife,

207. F. H. Moran, *The Sex Criminal on Parole*, Tenth Report of the Division of Parole (Albany, 1940), p. 14.

208. *Annual Report of the Commissioner of Correction, 1938* (Boston, Mass., Correction Department, 1939), p. 72.

209. *Idem*, p. 3.

210. *Idem*, p. 4.

or by the fortunate chance which lessens the critical attention of society because they repay this tolerance with great musical or artistic achievements.

The moral imbecile may be a serious form of psychopathy. In breaking down psychopathy and feeble-mindedness, as measured by social criteria, some investigators have arrived at the following personality types:

Egocentric
Inadequate
Emotionally unstable
No gross defect
Other types

In comparing murder, burglary, embezzlement, fraud, and sex crimes as to type of personality the following table will be of interest:²¹¹

Felons Received from Courts in Illinois
State Penitentiary 1939-40
by Type of Offense and Personality
(Per Cent)

<i>Offenses</i>	<i>Ego- centric</i>	<i>Inade- quate</i>	<i>Emotion- ally Unstable</i>	<i>No Gross Defect</i>	<i>Other Types</i>
Murder	28.5	42.4	13.9	4.6	8.6
Burglary	21.1	58.6	11.0	4.2	4.9
Embezzlement, fraud	49.0	32.0	5.0	10.0	4.0
Rape	27.4	53.4	5.5	5.5	5.5
Other sex crimes	14.0	61.2	7.4	3.3	12.4

The confidence man is the most egocentric, the sex criminal not committed for rape has the most inadequate personality, the murderer is emotionally the most unstable. The inadequate and the emotionally unstable will easily be regarded as feeble-minded or psychopathic, while the egocentric will only be

211. *Statistical Review of State Prisons and Correctional Schools* (State of Illinois, 1940), p. 41.

deemed to suffer from a gross defect when he collides with, and is defeated by, another, more powerful egocentric or by organized society.

There is a border zone between feeble-mindedness and normality. The mental defect, of course, prevails when a patient answers the question "What is justice?" by "a girl's name" or justice is "a pain in the stomach."²¹² It is the same with a feeble-minded murderer who does not understand the verdict of the jury,²¹³ or believes that bloodhounds could trace him after a long ride in a crowded streetcar.²¹⁴ How shall we assay extreme suggestibility—an adult for instance presenting the perfect picture of a child following the man?²¹⁵ It is different in other cases in which impulsions play a pernicious role,²¹⁶ the liars with attractive personalities and conversational powers,²¹⁷ the spendthrifts, the eternally quarrelsome and the unsociable.

The diagnosis of feeble-mindedness carries the defendant closer to the point where "other non-penal dispositions" may be pronounced, while psychopathy does not have this effect. The intellectual defect we accept as pathological; the moral and emotional deviation appears as a noncausative malice—it is evil intention, hostility, premeditated warfare, and, deeply aroused in its defensive instincts, society accepts the challenge. The scientific judgment of these obscure conditions therefore lags.

We will be justified in examining certain other conditions

212. Goddard, *Feeble-Mindedness* (New York, Macmillan, 1914), p. 104.

213. Of one such Goddard writes: "When the verdict of the jury was given, he did not understand what it meant and asked to be told. When he was answered, he showed no appreciation of its significance, but remarked that there wasn't so much of a crowd out as at the trial." *Criminal Imbecile*, p. 80.

214. *Idem*, p. 78.

215. *Idem*, p. 64. "That confidence in a superior, either in age, intelligence, or position is one of the characteristics of immature minds" (p. 63). In great fear, great hate, or hope we all return to this immaturity when we are assembled in crowds. This shows how easily the inhibitive mechanisms in normal people are thrown out of gear. It happens daily with "fascinating" personalities or people we detest. It is hypnosis without sleep.

216. Speaking of a feeble-minded case, Goddard relates: "When he came, he was a pyromaniac and had started several fires. This impulse was turned to account by Superintendent Johnstone, who set him to work in the boiler house. Here he finds vent for his mania in a harmless and useful way. He enjoys the fire; seems to personify it. Shovelling in coal is to him feeding his beloved. He sometimes gives it part of his own dinner. He has never set any fires since he came here." *Feeble-Mindedness*, p. 324.

217. An instructive case is described by East, *Forensic Psychiatry*, pp. 140-149.

which might equally well have been treated in the chapter on physical differentiations. However, they do affect the mental attitudes of the individual. Dr. Stanley mentions the criminal with a passion for perfumes,²¹⁸ and then again "Pretty Boy" Floyd and Baby-face" Nelson.²¹⁹ The murderer Gordon Northcott looked like a girl²²⁰ and when we have a look at the photograph reproduced by Florence Monahan entitled: "The girls put on a Christmas show" a number of intermediary sex types can be seen.²²¹

Florence Monahan had a prisoner in the California Institution for Women at Telechapi called Leslie, of whom she writes:²²²

She attended military school for a year, played in an orchestra, worked in a machine shop putting bands on fly-wheels and turning pistons. For a while she worked for her stepfather, a butcher.

She did well in fights and had any number of them. In high school she took girls to dances and on rides. In 1935 she married. Her "wife," she said, did not know she was not a male until the publicity broke.

Dr. Stanley had a somewhat similar case of uncertain sex in San Quentin:²²³

Another prisoner who has attracted a great deal of scientific attention is Artie. When we first examined him we could not make up our minds whether we should send him into the men's wards or in with the women. At first I thought it was a true case of dual sexuality, the first I had ever seen.

218. *Men at Their Worst*, pp. 8, 12. Of the New York gangster Biff Ellison we learn: ". . . for all his hugeness and great strength, [he] was a fop in matters of dress. Ellison dearly loved to sprinkle himself with scent, of which he had his own private blend especially compounded by a druggist sworn to secrecy." Asbury, *Gangs of New York*, p. 273.

219. Stanley, *op. cit.*, p. 286. We will return to the phenomenon of the many "kids" among the gangsters (Kid Dahl, Kid Twist, Kid Dropper, Little Augie, etc.) in the chapter on gangs. See Asbury, *op. cit.*, pp. 262 and 349, for some interesting photographs.

220. Stanley, *op. cit.*, p. 205. "His mother also was brought in, sentenced to life for implication in his murders. She was forty-one and looked like a man. Northcott had feminine ways and looked rather like a sulky, heavy-browed girl. *Idem*, p. 205. "The 'Ape Boy's' voice was high and sweet like a girl's and the movements of his body and hands were those of a girl." *Idem*, p. 206.

221. *Op. cit.*, facing p. 264.

222. *Women in Crime*, pp. 230-234.

223. *Op. cit.*, pp. 202-203.

These are extreme and rather rare diviations; they are practically significant because they tend to sharpen our eye for the much more numerous cases of transition and the mental conflicts which necessarily result from these malformations.

The criminological aspect of the malformed individual—physically malformed and mentally warped—should not be underestimated. After having passed upon the real cripples Dr. Stanley goes on to say: "In our own private listings we classify among the cripples those who are strangely and secretly malformed. Amazing is the percentage of the poor creatures—I hesitate to brand them with the medical term of monsters—who have committed strange and savage crimes."²²⁴ "The most notorious mass-murderer we have ever had in San Quentin was close to being a hermaphrodite, swayed between the mental processes of male and female."²²⁵

The group of these clandestine cripples presents serious yet nearly unknown problems. The two subdivisions, homosexuals²²⁶ and sadists, do not at all represent the variety of phenomena, which include some traits of the hysterical character in addition to moral "color blindness"²²⁷ and other psychopathic characteristics. Their victims are mostly children and they themselves are boyish smart alecks or full-grown infants.

There are many women haters, with or without anatomical deviations.²²⁸ It remains a secret why they are successful with women.²²⁹ Sometimes they do not hate women but are com-

224. Stanley continues (*idem*, p. 66): "These are the facts the press cannot bring out at the time of the trial. One of our strangest and most sinister killers is so peculiarly malformed that he might belong more to the animal than the human category."

225. *Ibid.*

226. Haarmann, the German mass-murderer, was homosexual, as was Northcott in California.

227. Hickman told the prison doctor, "The little girl's father made a mistake. He trusted me." Stanley, *op. cit.*, p. 53.

228. The Bluebeard James P. Watson startled the medical examiner with his puny 120-pound body. "Biologically speaking, the queer little fellow was a monster." He confessed to killing seven of his 22 wives and could not account for the whereabouts of many more. Story told by Stanley, *op. cit.*, p. 164.

229. Another Bluebeard, Johann Hoch, a mass killer of credulous women, is described as a repellent creature. Before his execution he declared: "I want to correct one impression of me given the public. All are led to believe I am a regular Romeo. I am not. I did not love any of my wives. I have no use for women. Marriage was purely a business proposition with me. When I found

pletely unresponsive; that is their strength—they are impregnable and the odds are in their favor because something is wrong with them.

Sullivan is quite right when he stresses that if mental deficiency predisposes to crime, it predisposes even more to detection.²³⁰ Psychopathic delinquents probably dupe the law-enforcing agencies²³¹ as much as they dupe most of their fellow men. In a world of great mobility, transitory contacts prevent the long-range and long-time testing of human character which made the local neighborhood such a good judge of doubtful individuals. The briefest of all contacts is a trial or a medical examination before or after trial. Just as there are feeble-minded with special abilities, there are *dégenérés supérieurs*—athletes on the physical side, eminent artists, reformers, and inventors on the mental side. Psychopaths often rise high in power and enjoy immunity as long as their security happens to last.

We should not therefore expect to meet the psychopath with excellent intellectual endowment in prison. Some psychopathic traits are temporary; some emerge periodically and then ooze away. The strain may be of biological origin (exhaustion, puberty, menses, menopause) or have social roots (want, unemployment, war, revolution). I have said elsewhere that the bearing-power of bridges is laid down, but the bearing capacity of the human mind is supposed to be unlimited. The criminologist sees daily that this is a false conclusion. To keep pre-existent psychopathic characteristics in their beneficial latency is one of the tasks of crime prevention.

11. Mental Deficiency

The higher grades of mental deficiency, idiocy and imbecility will only be touched upon here in passing. The practical im-

they had money I went after that. When I got it I left them." E. H. Smith, *Famous Poison Mysteries*, p. 117. On the female side the murderous widow Sorenson demonstrates physical and mental deformity. Holbrook, *Murder Out Yonder*, p. 127.

230. Sullivan, *op. cit.*, p. 184.

231. There are of course exceptions to this rule. In a profound paper on *desmotériophilie*, the morbid liking for imprisonment, Auguste Ley has described such types. *Revue de droit pénal et de criminologie* (Brussels, 1931), pp. 1089-1095. Since these defectives are eager to be punished they are equally eager to be arrested.

portance of idiocy is insignificant. Utterly helpless, awkward in movement, lacking muscular coördination, forbidding and therefore forewarning, the idiot cannot easily be a danger to adults. The imbecile is not very much of a problem in prognosis, either. Of course, the degree of his incapacity and the question of his responsibility may be discussed. His confession may be confused with moral regret, a certain foolish cunning taken as intelligence.²³² That a patient should think Rockefeller was the first president of the United States may not mean very much;²³³ when, however, a 16-year-old boy tries to catch pigeons by putting salt on their tails or "as between soup and safety, . . . prefers soup,"²³⁴ the deep-seated disorder becomes manifest. When a tendency for display and being the center of interest and attention prevails over real danger to life and liberty something fundamental is wrong,²³⁵ although we are inclined to give every trait which seems useful to us a higher intellectual and moral denotation.

Those who are fond of definitions will be interested to consult the British Mental Deficiency Act of 1913;²³⁶ stress is laid on the genesis of the defectiveness and on the social problems which arise from an insufficient mental equipment. The requirements of overpopulated areas and an ever-expanding machine age are continually shifting slighter grades of mental deficiency to more serious degrees; they draw the low average, the dull, and the borderline defective ever closer to the orbit of real deficiency. In the feeble-minded, mental development has ceased at a certain moment; yet mental development dif-

232. Cunning is to be found in many drunkards, hobos, and ne'er-do-wells. The combination of foolishness and cunning is quite common; many weak minds are cunning in a short-range fashion and have no judgment at all.

233. Mentioned by Healy, *op. cit.*, p. 468.

234. Goddard, *Criminal Imbecile*, p. 31: ". . . when the experts introduced by his own counsel were examining him, and when, had he been intelligent, he should have known that it was to his advantage to make the best possible appearance, to give them every possible help, yet when his dinner was brought into his cell, he could think of nothing but eating and ignored the people who had been sent to help him."

235. "Nobody but an imbecile would have confessed under those circumstances; they had no evidence against him, nor did they pretend they had . . . they [imbeciles] do not always confess, it is true. It seems to depend largely upon how proud they are of their deeds—and frequently the more atrocious these are, the prouder they are of them." *Idem*, p. 16.

236. Quoted by East, *op. cit.*, p. 29.

fers from intelligence, the ability to acquire knowledge and dexterity. The Binet failure may be a life success and vice versa. The two factors, urbanization and mechanization, have changed life's demands upon the human being. In the agricultural phase of our civilization, in order to manage himself and his affairs he needed certain qualities: steadiness, assiduity, a sympathetic relationship to animals and plants. Little was required in the way of communication and adaptation, and in our own time Healy very aptly advises that a stutterer can be saved discouragement and suffering by being given work in which little association with his fellows takes place—work such as farming.²³⁷

Good motor control may remove the otherwise “feeble-minded” from the category of social morons and give him that economic independence in our industrial production which has been made the main criterion of human validity. Since the individual worker standing at the assembly line is limited to a minute phase of the productive process, little is required of what former artisans had to learn. The feeble-minded, if not the shifty and inattentive type, may fit better than the normal into the deadly sameness of modern industrial methods. His sluggishness will synchronize with the monotony of the assembly line²³⁸ where strong power to reason, by slowing down production—in these operations at least—would be regarded as a deficiency. The mentally advanced happens to become the industrially backward type.

Urbanization has multiplied human contact and kept many of these surface touchings at the level of anonymity. The old-time neighborhood disposed of a multiplicity of trying experiences and associations. Twenty years of intimate and indirect observation are the most reliable of all tests. Von Krafft-Ebing has remarked that the judgment of the layman is often more reliable in such cases than that of psychiatric experts, since it covers a wide range of human and social responses.²³⁹ He advises us to note such factors as the nicknames given to the feeble-minded by their schoolmates, friends, and the com-

237. *Op. cit.*, p. 222.

238. Of one instance Goddard remarks, “One notes especially in his case what can be seen in all the high grade cases, the point at which they begin to fail in their English work and improve in the industrial.” *Feeble-Mindedness*, p. 83.

239. *Op. cit.*, p. 69.

munity,²⁴⁰ and not to overlook occupational unsteadiness, the piling up of rebuffs in erotic approaches, trouble during military service, and an uninterrupted string of bad luck.²⁴¹

There are forceful, convincing, vocal feeble-minded; one of the inhibitions of which they are destitute is delicacy. Their lack of reserve in combination with so-called good looks, glibness of tongue, and little conscience predestines these types for the successful vocation of high-pressure salesmen. We need not be astonished to find feeble-minded in no small numbers among the confidence men. It is often not the cleverness of the scheme that deceives suckers but the reckless use of catching tricks and the daring to "take chances" that brings success to the small-scale fraud. Though fraud is an offense with a high proportion of the intelligent among its authors, the felons received for fraud and embezzlement in the Illinois State Penitentiary in 1939-40, for instance, still included 25% labeled as mental defective, borderline defective, and dull; 41%, it is true, had superior and very superior test intelligence.²⁴²

Urbanization means contact: fleeting and casual contact by speech and semblance, show and pretense. This mode of relationship camouflages a certain group of the feeble-minded. Healy has pointed to the "verbalist type of defective," and says:

On account of their ability to handle language well the members of this group are not properly placed by the ordinary tests of social intercourse. The common method for passing judgment on people is, of course, through conversation. . . . It seems to be a matter of common-sense observation that those who can talk well must therefore be mentally normal. . . .

If the human mind is thought of in terms of partially separated faculties and abilities, then why should we not recognize the possibility of a language ability overtopping the other mental powers, even when the general level of ability is far below the social par.²⁴³

240. *Idem*, p. 72.

241. On good and bad luck as causative factors see my *Crime: Causes and Conditions*, pp. 350-363.

242. *Statistical Review of State Prisons and Correctional Schools* (Illinois, 1940), p. 40.

243. *Op. cit.*, pp. 473 ff.

This is all very true. We meet the subnormal verbalist not only as defendant but as lawyer, as rabble-rousing politician, as dictator, professor, and preacher. The telephone and the radio have opened new possibilities to these verbalist morons. A certain "vigor" of speech is quite consistent with the mono-ideism of an undeveloped brain.²⁴⁴

Some feeble-minded present other unilateral talents: mechanical, artistic, and musical ability, or an outstanding memory for figures and words. The feeble-minded can be drilled, and when conversant with the conventional forms of social life, with a good memory and a passable appearance, may conceal their defect for a long time. The pretty and physically attractive feeble-minded girl is regarded as eccentric or extravagant but never as mentally defective. Not until social scandal menaces the family is the psychiatrist called in and the correct diagnosis arrived at. In wealthy families the object is attained late; the social danger ultimately forces a radical decision and a medical diagnosis which perspicaciously avoids prison for the patient.

Some think that mental deficiency is just the contrary of normal intelligence and should be discussed under this heading. But mental deficiency is much more than failing intelligence. It not only involves the power to acquire knowledge, to learn, to perceive causal relationships and apply experience—to the present in the form of controlled action and to the future in the form of planned action and providence—but concerns as well the inhibitive and stimulative effect exercised by mental representations on will and emotion and thereby on conduct. We call a condition "mental deficiency" because arrested mental development may be discerned in the course of time, and this retardation is measurable by relatively reliable test methods. Our term neglects the defects of will and emotional response, not because they are secondary but because our means of registration are less developed. At the same time there may be many physical defects in speech,²⁴⁵ gait,²⁴⁶ stature and

244. How bombastic conversationalists, flinging about high-sounding remarks and commonplaces which have little relation to sense, succeed in making a deep impression and being regarded as unusually bright individuals by an audience of other subnormals has been described by Kraepelin, *op. cit.*, p. 540.

245. Voice somewhat thick, jerky enunciation, stutters a little, lisps, stammers, slightly defective in speech, does not speak clearly, etc.

246. Lame, has hopping gait, left leg shorter, walks badly, drags his feet, walks tottering, jerky step, etc.

weight,²⁴⁷ sight, hearing, and so forth, but the mental backwardness is and remains the dominating symptom. Some manifestations such as the extreme voraciousness of many feeble-minded have been noted but not studied.²⁴⁸ It is the same with the feeling of fatigue; some feeble-minded are slow because they are beset by a profound fatigue without having performed mental or physical work. Others do not heed warning bodily signals although there is need for repose; they are the "restless" type who on account of this pathological restlessness "always get into trouble"; they are mischief-makers, destructive and quarrelsome. The most dangerous of the feeble-minded have a good physique, are handsome, attractive, neat, look intelligent and are liked by everyone. The silent specimen is better protected from discovery than the talkative.²⁴⁹ Pedigree charts are often revealing, with sibs that are idiots, insane, have died early, have disappeared ("believed to be dead"), were born cripples, show webbed fingers and toes and other marks of physical retardation or retrogression. The number of stillbirths and miscarriages in such families is significant. Sometimes one is inclined to think of these patients as miscarriages which have survived the noxa.

Criminological interest in the feeble-minded is threefold: there is first the moronic delinquent, then his subnormal associate, and finally the victim. The subnormal witness, juryman, medical expert, detective, and borderline defective public are of more indirect significance, although they certainly bear upon the columns of crime figures as exhibited by our statistics.

The "weak-minded" person (Goring's term), as found in prisons and acknowledged as such, is per se a man who is not fit for prison discipline. He is believed to "display marked preference for undesirable company"; or to be "very impulsive, excitable, restless, uncertain, passionate, violent, and refractory in conduct; . . . false and malevolent in speech, filthy in habits, and nearly always inebriate."²⁵⁰

247. The undersized mental defective is commoner than the oversized.

248. Such gluttony is met in general paresis and in dementia praecox, partly in thyreogenic disorders.

249. Goddard says of a patient: "He has a reticence in speech which protects him wonderfully. He keeps silent and looks wise." *Feeble-Mindedness*, p. 189.

250. Goring, *The English Convict* (abr. ed.), p. 170.

This is the excitable defective. He is further described as restless, sullen, stormy, erratic, has crazy spells and fits of temper, "sometimes flies into terrible rages"; is sulky, moody, changeable, morose, sensitive, cranky, obstinate. He has to be handled tactfully, as he has a violent temper when aroused. It is easily seen that these traits and the conditions of prison discipline are bound to bring the feeble-minded into conflict and presently into recognition as defective. The English figures of feeble-minded prisoners, for instance, represent only those unfit for ordinary prison discipline and omit the mentally defective good prisoners.²⁵¹

The excitable defective may easily run into personal conflicts, but so long as agricultural labor meant solitary work he was not economically unfit. Nowadays, however, work in great shops on the assembly line has to be done in common, in organized crowds; to the authority of the state has been added the more immediate and omnipresent control of the foreman. Conflicts with the overseer mean discharge. The defect thus becomes a menace to self-support, making the excitable type industrially unfit or undesirable and canceling the usefulness of his intellectual suitability to simple and monotonous work with machines.

The obtuse type is slow, silly, obedient, and thus regarded as good-natured, although very pliant individuals may show sudden and passing fits of obstinacy. Under good supervision they are efficient "helpers." Such defectives of both sexes are "generally useful around the barn," may dust, sweep, make beds, darn stockings, make baskets. Of such a one the dairyman says he "could not do without him." The boy can drive a team of horses, or can help the mason "a little." The girls sew very well, do laundry work, take delight in gardening. Defectives of this sort "can copy everything," can imitate very well, like to be with machinery. A deep disturbance is betrayed by their utter carelessness; they are often absent-minded, forgetful, heedless of danger, especially with fire. They seem to at-

251. With the feeble-minded there are other perplexities. Goddard relates of a high-grade imbecile: ". . . often surprises us with an outburst of what seems like childish wisdom, showing considerable thought, and even reason and good judgment." *Feeble-Mindedness*, p. 165. The dwarfed court jesters of the Middle Ages may have been beings of this sort.

tract accidents and injuries, partly by their clumsiness, partly because they are "don't care" boys.

The dull type may pass in agriculture and on the assembly line; for his clumsiness he makes up by his submissiveness, which pleases the foreman and sets a good example. It has been maintained, in fact, that intelligent workers are not wanted on the assembly line. Some defectives are popular because their cranky attitude and appearance adds to the amusement of the whole shop. Yet these somewhat timid, retiring, and unresisting individuals are highly sensitive and may fly into a violent temper and attack the unsuspecting mocker. This may even be a girl who taunts at his shy reserve.

The pliancy of the indolent and dull type that makes him a "good" prisoner and a good worker under supervision or at the assembly line is the great danger to the feeble-minded in free life. These individuals are unresisting: everything depends on where the pressure and influence come from in their lives. They are easily led, and easily led astray. Many are affectionate and need and enjoy support as well as protection. Feeble-minded strong-arm men are proud of being admitted to the gang; they do odd and risky jobs and are certainly more frequently caught than the higher-ups.

On the female side the nonresisting individuals slip into a life of being exploited rather than exploiting. Goddard has reported such cases:²⁵²

Without the protection of the institution, Nana would be the victim of anybody who came along, and would live the same miserable life that her mother has lived.

The girl is a striking illustration of the type of woman who, out in the world, becomes quickly victimized because of her quiet, innocent, unresisting manner. Pretty and attractive, she holds the attention of the passerby, is easily captured by the designing rascal and may even attract a man of more intelligence.

The active and the indolent type may be related so far as the origin of the defect goes, but there are other distinct specimens

252. *Idem*, pp. 73, 99.

who may be genetically different. There is the pilfering feeble-minded; this derives partly from the fact that he has no clear idea of property, partly from a sense of grasping and acquisition, perhaps overdeveloped. Some morons are sly in a certain way. Others like to be noticed—do a better job as an errand boy when in uniform than without it. Some, finally, are extremely self-centered; are cruel, hard-hearted.²⁵³ Many of these cases look like arrested forms of insanity and may be the *dementia praecossissima* of Mott.²⁵⁴

British authorities on feeble-mindedness and delinquency are agreed generally on a minimum estimate of 10% of mentally defective persons in English prisons and a maximum of 20%.²⁵⁵ Ten per cent is the rate of those "classified" as weak-minded. This is obviously only a fraction of the real number and has to be compared with corresponding conditions in the free population of the same age, sex, economic status, and so forth. Such figures are missing in England; according to an investigation the rate of mental defectives in 16 representative districts of the British Isles was .46%,²⁵⁶ which seems an understatement.

Goring condensed his findings into a table giving the following figures for mental defectives committing each crime:²⁵⁷

<i>Criminal Groups</i>	<i>Percentage of Mental Defectives Committing Each Crime</i>
Malicious damage to property	40.00
Stealing and burglary	10.18
Sexual offenses	12.87
Violence to the person	6.01
Forgery, coining, and fraud	2.40
All prisoners	10.00

It may be noted that these are classified mental defectives, found to be unmanageable by ordinary penal discipline and

253. "The superficial sorrow at the loss of some relative is quickly lost in the pomp of the funeral procession and the joy over a new suit of mourning." Kraepelin, *op. cit.*, p. 538.

254. The term is mentioned by East, *op. cit.*, p. 112.

255. Goring, *op. cit.*, p. 178.

256. *Idem*, p. 176.

257. *Idem*, p. 180. That swindlers when caught and sentenced to prison should continue to play the part of admirable characters should not cause wonder. Their false pretenses are as readily received there as in the free world

requiring special treatment. Damage to property and unnatural sex offenses can be committed in confinement, are most annoying to the administration, and show the highest correlation with "being unfit for prison discipline" and thus subject to the special treatment, as provided by the regulations for the feeble-minded. The figures, although valuable as such, should therefore be accepted with reserve. These are mental defectives in specific groups of crime, but only, or mostly, the troublesome defectives.

American studies give much higher figures. In 1914 Goddard estimated that 25-50% of the population in American prisons is mentally defective.²⁵⁸ Some investigators have arrived at much higher results, especially in institutions for females. Dr. Olga Bridgman found that 89% of the girls at Geneva, Illinois, were defective.²⁵⁹ The proportion varies vastly, of course, according to the crime. The Illinois psychologists found the relations indicated on page 185 in some main crimes (1939-40).²⁶⁰ The difference from the English figures is self-evident. The Illinois data do not include "malicious damage to property" at all, nor do they mention arson. The deficiency rate in murder is much lower, the rape rate relatively closer to the American figures. The morose, sulky, tense, and excitable feeble-minded seem in England to direct their rage more against inanimate objects or animals than human beings. Such vicariousness appears in agricultural surroundings; it is a well-known and often-used mechanism of emotional outlet.²⁶¹

258. *Feeble-Mindedness*, p. 7.

259. Goddard, *op. cit.*, p. 9. "The highest of all come from the Institutions for Juveniles, partly because it is difficult to believe that an adult man or woman who makes a fair appearance but who lacks in certain lines, is not simply ignorant. We are more willing to admit the defect of children. The discrepancy is also due to the fact that the mental defectives are more apt to die young leaving among the older prisoners those who are really intelligent." *Idem*, p. 8. Another reason is the industrial fitness of many feeble-minded, which misleads our critical sense.

260. *Statistical Review of State Prisons and Correctional Schools (Illinois, 1940)*, p. 40.

261. Goddard (*op. cit.*, p. 163) writes of one of his cases that he tried to kill his wife "by firing his shotgun at her twice. She fled into the woods, with a small child in her arms, and remained in hiding nearly all night. He, disappointed at not accomplishing his purpose, apparently took his bed out into the back yard and demolished it, and taking an axe smashed his stove into small pieces."

Felons Received from Courts in Illinois State Penitentiary
1939-40
(Per Cent)²⁶²

<i>Type of Offense</i>	<i>Mental Defective</i>	<i>Borderline Defective</i>	<i>Dull</i>	<i>All Three Forms of Mental Deficiency</i>
Murder	17.9	21.8	12.6	52.3
Manslaughter	17.3	21.8	17.3	56.4
Robbery	4.7	9.4	14.9	29.0
Aggressive assault				
Burglary	5.3	10.1	20.7	36.1
Larceny	5.1	9.3	20.4	34.8
Embezzlement, fraud	5.0	5.0	15.0	25.0
Forgery	2.5	10.9	16.8	30.2
Rape	13.0	18.5	17.1	48.6
Other sex offenses	13.2	12.4	24.0	49.6

The high figures of rape and other sex offenses require attention, study, and a new prophylaxis. According to Goring and Moran, white collar workers (called "commercial classes" in England) are rather highly represented among the mentally defective sex criminals and the sex criminals as a group.²⁶³ Is their classification an attempt on the part of their family, friends, and society as a whole to excuse them and find reasons for their inexplicable conduct? Do these represent a heavy selection of individuals who are caught, as opposed to the more intelligent members of their group? Are they the ones who do not succeed in getting acquitted, in having their case dismissed at some point in the procedure or obtaining a suspended sentence, probation, jail, or fine, rather than prison?²⁶⁴ We do not know.

262. *Mental Deficiency*, p. 7.

263. Goring, *op. cit.*, p. 181; Moran, *The Sex Criminal on Parole*, p. 10.

264. Disregarding all preceding stages of official procedure, rape and "other sex offenses" have a considerable nonconviction rate. According to Michigan figures for 1938 the rate of conviction was

	<i>Per Cent</i>
in rape cases	62.3
in other sex offenses	74.4

What we do know is that the psychiatric classification of sex offenders surpasses all expectations so far as feeble-mindedness and psychopathy goes. However, caution is not out of place. The figures available are not without a selective angle, and it may be that parole and classification are somewhat associated.²⁶⁵

The following figures show the result of these classifications:²⁶⁶

Psychiatric Classification of Sex Offenders by Crime
(Per Cent)

<i>Classification</i>	<i>Rape</i>	<i>Sodomy</i>	<i>Incest</i>	<i>Total</i>
Normal	47.6	12.3	13.2	40.3
Feeble-minded	31.9	37.0	52.6	33.9
Psychopathic	12.3	30.1	18.4	14.8
Psychotic*	3.7	1.4	2.6	3.6
Miscellaneous†	4.5	19.2	13.2	7.4

* Apparently patients not yet transferred to Dannemora.

† If these offenders are not feeble-minded, psychopathic, psychotic, or normal, what are they?

The fact that 67.1% of all sodomists are classified as feeble-minded or psychopathic, and 71% of those guilty of incest, is startling. The whole group had been previously sifted; inmates discovered to be insane are sent to Dannemora State Hospital. Compared with these figures rapists appear to be rather normal, and would be still more so if we could separate, as the British statistics do, rape of child and rape of adult.²⁶⁷ The

But this is not the whole story. Of the convicted felons the number actually sentenced to prison and thus brought within the orbit of our statistics was

	<i>Per Cent</i>
in rape cases	72.5
in other sex offenses	48.1

The rather high rate of "other no-penalty dispositions" is striking. Only three fourths of the "other sex offenses" are disposed of by conviction, and more than half of those convicted do not reach prison but receive a jail sentence or a fine or go out on probation. Computed from figures in the *Statistical Report Regarding Arrests and State Prisoners Committed and Released during 1936, 1937 and 1938* (Lansing, Michigan Prison, 1939), pp. 23-24.

265. Of 925 sex criminals paroled 581 or 62.8% were examined. Moran, *op. cit.*, p. 12.

266. *Idem*, p. 14.

267. Goring, *op. cit.*, p. 179.

problem of the feeble-minded victim²⁶⁸ has been discussed in another chapter of this book; by feeble-mindedness, as I have suggested earlier, is meant here not only deficiency of the reasoning powers but emotional imbalance, associated often with more easily detectable intellectual failing. Feeble-mindedness suddenly uncovers itself when masses congregate, but this may be regarded as a normal and acute mental deviation. Masses when aroused by fear, hate, or frenzy are partially and temporarily "feeble-minded"; they are prone to commit acts of excessive brutality, and again, of greatest devotion.

We thus see that the term "feeble-mindedness" covers many conditions of very diverse origin and social import. Further study of cases will reveal some known psychotic processes which have either spent themselves or been stopped by organic or environmental counterforces. Among these dwarfed disorders will be dementia praecox, epilepsy, and hysteria, which in itself presents an infantile reactive mechanism in a grown-up bodily shell. In the case of mass actions we have to think of the temporary paralysis of certain brain centers by which in ordinary life imitative processes are held in check. Not a few feeble-minded are victims of a trauma, before or after birth, and/or bad heredity. Prolonged strain, experienced in a harshly ruled family, a prison, or long exile blunts the mind, and this obtuseness of exogenic origin may resemble feeble-mindedness, yet is not arrested development but mental emaciation. There is no greater complexity than the social evaluation of the feeble-minded. Not only do we see variations as between the useful, the useless, and the dangerous defective, but the usefulness itself depends on the demands of surroundings and the moderating supervision by which we can keep the moron serviceable and prevent him from becoming pernicious to himself and others. It appears that the machine age with its infinite division of labor has given the high-grade defective a chance for survival, in contrast to the not-yet-discovered cures of medical science.

268. A feeble-minded person may be irresponsible as a perpetrator and reliable as a witness, although caution is required. See Krafft-Ebing, *op. cit.*, pp. 456-457.

Part II

The Sociobiological Elements of
Crime

CHAPTER VI

Protective and Pseudo-protective Groups

1. *The Juvenile Gang*

IN EVERY book on crime there is a chapter entitled "Bad Companions." By companions I mean persons of the same sex:¹ school companions, street companions; companions met in railroad cars, hobo jungles, police stations, and prisons. The term "bad companion" implies the contagiousness of one individual, the integrity of the infected partner. The interrelation, however, is more complex. It sometimes happens that only the accidental contact of two persons creates badness in the leading individual and unfolds the tendencies of a follower in the other. Separately, both may be neutral and innocuous both to others and themselves.

Only males, in general, lean toward forming gangs. One is led to believe that the first awakening of sex impulse sometimes assumes the devious form of a male association. A certain amount of misogyny goes with it.² The genuine juvenile gang carries some of these attitudes into adulthood. Real loyalty to the gang and the leader do not seem compatible with real love of a woman. More or less useful attachments give the gang and its tribal codes the colorful aspect of atavisms which have lost their way in the machine age.

The formation of the juvenile gang is preceded by that of smaller groups. Pals are discovered, friendships spring up. Protective necessity does not play a paramount role in this stage; rather, emotional satisfaction is sought and found. There

1. This is in contrast to Healy. See *The Individual Delinquent*, p. 293.

2. "Grace was a very pretty girl, and I was secretly pleased that she had favoured me with her attentions, but amongst us boys there was a belief to the effect that you couldn't be a real man unless you hated women, and I gave her the cold shoulder." Spenser, *Limey Breaks In*, p. 26. The same writer remarks later on, "Grace was, or would have been, a good pal, but I was half ashamed of her. It wasn't considered good form for a man of my age to be running round with a woman, and all my pet heroes and villains were women haters." *Idem*, p. 44.

is an element of mere liking at first glance in these associations. Juvenile delinquents express this instinctive inclination quite freely.³ The attraction is often so great that in spite of disappointment and exploitation one partner relapses into the detrimental relationship.⁴ Appearance plays a distinct role.

Most of these juvenile friendships may be regarded as "bad companionship," although they are not intended to exercise undesired influence. It is an odd fact that some youngsters are unable to commit a theft alone but do not hesitate a moment when with a pal. The author of the *Jack-Roller* could only proceed to pilfering when a companion activated him.⁵ The main difficulty with juvenile friendships is their composition of one who admires and another who is admired. This admiration pushes the leading partner further than he would otherwise go, in order to justify the ideal picture of himself. Heroes must encounter danger; enemies must be foiled. In our domesticated and pacified world the only dangers available at any time are social risks, through the omnipresent hostile power of the police. So it comes about that, of two friends, the leader commits some foolish offense, and the one led tries to live up to the superiority of his model. Terms weighted with moral virtue support the process, such as being "game" and being "no quitter" when quitting would be the right thing to do.

A later stage enlarges the small groups of individual pals and friends to the juvenile gang. The term carries a humorous undertone of compulsion;⁶ once in a gang you cannot leave it at will because you are bearer of dangerous knowledge which you might divulge to the enemy. There is still one leader, but the number of the followers has increased. There is still admira-

3. "One day things suddenly changed in my favor. A young man about my age came to the stockroom to work. He appealed to me immediately. Something about his devil-may-care air and carefree smile struck me deeply." Clifford R. Shaw, *The Jack-Roller* (Chicago, University of Chicago Press, 1930), p. 120.

4. See *idem*, pp. 125, 129.

5. "One day my partner didn't show up, and right then and there I lost all my nerve. I needed someone with me to steal. I was too cowardly to steal alone. A companion made me brave and gave me a sense of security. I couldn't to save my soul steal a dime alone." *Idem*, p. 86.

6. Gang of slaves, gang of prisoners, and genial overtones from World War I, "Hail, hail, the gang's all here," etc.

tion, but more of admiring than of being admired. Admiration slowly changes to obedience, self-imposed discipline, and blindly acknowledged combat ethics. Paternal authority is shaken off and its place taken by the tenfold more rigorous authority of the gang leader.

The juvenile gang evolves from the play group.⁷ Thrasher has maintained that regardless of organization, an emerging leader, and developing traditions, the group does not become a gang "until it begins to excite disapproval and opposition and thus acquires a more definite group-consciousness. It discovers a rival or an enemy in the gang in the next block; . . . parents or neighbors look upon it with suspicion or hostility; . . . This is the real beginning of the gang, for now it starts to draw itself more closely together."⁸

But how does the gang succeed in acquiring this galvanizing antagonism which perfects its organization and appears to give it a *raison d'être*? We may recall that emergency is what furnishes a life-sustaining atmosphere to total mobilization or undisputed dictatorship. The juvenile gang is for quite a while still a play group. The play is, of course, for higher stakes than childish symbols of winning; there is playful snitching, playful and senseless destruction,⁹ playful mischief of a sexual sort.¹⁰ Delinquency is adventure, competitive experimentation. It has the deep allure of being prohibited by adults and fraught with much danger and small gain. And all this delinquency-play goes on in the frame of a group that furnishes competitors: a highly critical public which stimulates the mind of the boy and provides a certain amount of protection.

Only gradually and in a very poor neighborhood does the pilfering play change to a profit-yielding habit. For a long

7. Frederic M. Thrasher, *The Gang* (Chicago, University of Chicago Press, 1927), p. 26.

8. *Idem*, p. 30.

9. John Martin thought it tremendous fun to open a railroad car filled with horses, which ran into the railroad yards and through the streets. Another time the gang broke into a car loaded with pickles. "Pickles were strewn from one end of the yard to the other. Now I ask you what kid would not prefer the company of the gang when such interesting events took place?" Clifford R. Shaw, *Brothers in Crime* (Chicago, University of Chicago Press, 1938), p. 110.

10. See the practices described in *The Jack-Roller*, p. 51. ". . . the girls didn't care; they seemed to be proud of it and expect it."

time the elements of self-assertion¹¹ and love of excitement¹² enter the picture of all property crimes as deep-rooted incentives.

The juvenile gang defies any attempt to lay hold of it statistically. Burt found bad companionship a causative factor in 17.7% of his juveniles.¹³ We should start perhaps with the broader conception of companions, and we shall find that they have a stabilizing influence in many cases and that bad companions of the same age are as much symptomatic of the later delinquent as they are causative. Companions, furthermore, need not be members of a juvenile gang, they may be sibs or friends or casual acquaintances or schoolmates.

The juvenile gang is met much more frequently in large American cities than in England or on the Continent. Such gangs fill the gap which opens between the immigrant parents and the Americanized children when parents, especially the mother, speak only Polish or Italian, etc., and the boy only English, communicating with difficulty. Gangs assume—inadequately, of course—some functions of the disorganized family life, providing food, recreation, and even education. They are more of a working and active reality than the family, which meets only for the night's rest or unrest.

We know much more of the origin of juvenile gangs than of their discontinuance. It is obvious that adult gangs, operating before their eyes, stir up imitative reactions. When the Plug-Uglies were a famous gang in New York City there was a juvenile gang of "Little Plug-Uglies."¹⁴ Mere admiration and imitation are easily turned into some minor forms of coöperation, as lookout and so forth. Many boys vanish from gang life, which is just a phase in the life of the pubescent. They overcome the crisis and resist the forces of temptation. It is relatively easy when the boy enters a vocation he likes and in which he is successful; he is able to win recognition in a legitimate way.

11. A boy who is longing for recognition and does not receive it in school or at home takes a special pride in his superior skill when stealing.

12. "Outside," writes the Jack-Roller (*idem*, p. 52), "in the neighborhood, life was full of pleasure and excitement, but at home it was dull and drab and full of nagging, quarreling and beating, and stuffy and crowded besides."

13. Cyril L. Burt, *The Young Delinquent* (New York, D. Appleton & Co., 1933), p. 125.

14. Asbury, *Gangs of New York*, p. 239.

Some boys, however, succumb to a double pressure. They seek excitement, which they cannot find in the monotony of modern industrial life. At the same time they have had a taste of early success and admiration as leaders of juvenile gangs, winning and maintaining their superiority by the primitive use of intrepidity and their fists. Gang life has appealed to them and life has not done anything to drag them away from its dangerous fascination. These boys form the material for the great adult gangs of later years.¹⁵

They have two training grounds: slum life and prison life.¹⁶ Both present surrounding forces that would warp the most resistant human material and all youngsters are mentally plastic, hyper-responsive to the forces that assail them and that they try to adjust to. Their reading shows what their immature models are: the great and successful gangster satisfies exactly their juvenile want for heroes and models. He must be a shooting man, must live dangerously. We may succeed in presenting the G-man to our Boy Scouts as a worshipful figure; the slum boy inherits too much general hostility toward enforcers of the law to accept the "legit" hero—he chooses and clings to the great gangster. Admiration finally breeds following, and followers become new leaders.

2. Gangs and Gangsters

Murder, robbery, larceny, and fraud can be committed singlehanded, although associates may be used to good effect. The true gang, however, cannot operate without a well-organized group and a distinct division of labor. The set-up, the techniques, and the codes of this group affect his conduct profoundly; he may be the leader, a full-fledged member, or only

15. We shall see immediately that there is no clear dividing line between the juvenile and adult gang.

16. "The educational value to a young gangster of an arrest, conviction, and term . . . is invaluable. He keeps his eyes open and he learns the routine of the police, which gives him a backlog of information with which to outwit them in the future, if he is smart enough. He sees, at the closest range possible, what the operations of the courts are like, and here again there is knowledge to be stored up against future use.

"Finally, in the prison, he gets lots of leisure to study how prison big shots make themselves that, and how sometimes keepers and guards and wardens may be bribed with money, favors, or even by good behavior." Thompson and Raymond, *Gang Rule of New York*, p. 24.

one of the serving brethren. Many gangster acts are committed because he feels they are expected of him by the gang. Each gang, in turn, is stratified; the boss lives by the standards his admirers and followers put on him. He must comply with their expectations—it is better for him to be a dead lion than a live dog.

The gang is much more cohesive than a family or other groups. You are not admitted the first day to the inner sanctum, and there is no easy divorce. It is a strange contradiction that no legitimate group imposes stricter demands on its members than the criminal gang. Often they are of a primitive nature—merely command and obedience—but it is not at all rare, in spite of the antisocial aims involved, to see virtues developed which would be highly praised in other circumstances. That there is a certain similarity to a war situation, with its demand for specific qualities and doings, is clear. No one would call it accidental that some of the most prominent gangsters have been excellent soldiers.¹⁷ In any scientific approach we cannot shut our eyes to this reality; as human beings, however, we judge the same qualities differently when they are not for but against us. The police, of course, who have to shoot it out with these men, have neither time or inclination to form an objective opinion. Danger is always answered with an animating outburst of full subjectivity.

There were gangs in New York, London, Paris, and Berlin throughout the nineteenth century. Yet gang crime became a thing of frightening reality only after the first World War. The wave of gangsterism reached its peak between 1919 and 1939, not exactly created, but highly expedited, by the Ameri-

17. The famous gangster leader Monk Eastman was a splendid soldier during the World War. The renowned gangster Verne C. Miller "had left his home in Huron, South Dakota, as a young fellow, to become a showman. For a time he had been a parachute jumper, leaping from smoky balloons above country fair grounds. He had also been a wrestler and boxer, finally to enlist in the United States Army for service on the Border, followed by an extensive training as a machine gunner in the World War. Then he had gone home and, mainly upon his war record, became first a policeman and finally a sheriff, only to be caught in the embezzlement of two thousand, six hundred dollars and sentenced to prison.

"Free again, he . . . had gone into the liquor racket." C. R. Cooper, *Ten Thousand Public Enemies* (Boston, Little, Brown & Co., 1935), p. 217. Miller was said to be able to change the drum of a submachine gun in four seconds and was in great demand for bank robberies. *Idem*, p. 218.

can experiment of prohibition. Federal Judge William S. Kenyon in his report to the Wickersham Commission laid special stress on the great war that "affected the thought and habits of people, and resulted in a national let down in our moral fiber."¹⁸ But the causative elements are complex and have not been studied at all. The war had its share; also slum life, the postwar boom, and the deflation, that crisis of the second generation we call "cultural conflict," the new ideas on family and sex, prohibition, and many other factors. It is likely that another postwar period will put fresh life into gang crime and test our curative abilities. Here the student is in a predicament. There are no statistical foundations to build upon, and many of the great gangsters through political connections were able to escape arrest, even serious suspicion. The prison gangster—that is, the man we find in prisons and sometimes in the death row—is mostly the small fry, the "killer" type, seldom the immediate boss and never the real boss who remains invisible and operates only through contact men. The scientific presentation is thus compelled to be more descriptive than etiological; any picture of the confusing phenomenon can be only tentative.

It is not quite correct to say that gang life is the "symptom of an economic, moral, and cultural frontier."¹⁹ The frontier is in a formative chaos; gangland is disintegration of established, but crumbling, social controls. There is one common point, however: the frontier breeds the outlaw, the bushranger, the smuggler, and the poacher; at the same time this combination of great chance of booty and small chance of failure attracts certain types, aspiring potential Billy the Kids, John Murells, Henry Plummers, and Jesse Jameses. No famous outlaw of earlier American years came from the outposts of the frontier struggle; they were born in Connecticut, New York, Tennessee, and Kentucky. Guerrilla warfare had trained many of them during the Civil War, much as slum strife rears the gangster.²⁰ Emerson Hough has maintained that the imitation desperados came mostly from the East—were even immi-

18. Quoted by Denis Tilden Lynch in his *Criminals and Politicians* (New York, The Macmillan Company, 1932), p. 10.

19. Thrasher, *op. cit.*, p. 41.

20. "Warfare became murder, and murder became assassination. Ambushing, surprise, pillage and arson went with murder." Hough, *The Story of the Outlaw*, p. 344.

grants.²¹ Yet the distinction between the real and the counterfeit bad man is hard to make. It is the same with the gangster who carries slum practices, experiences, and codes into the upper world.²² At times it appears as if this upper world, far from being strong enough to resist the invasion, were infected by slum patterns, slum standards, and even slum lingo.

A sustained tone of rebellion is the outstanding feature in the attitude of the gangster. We could reduce and neutralize this antagonism if his grievances were only individual. But the rebellion springs from deeper sources in group feeling and collective conflict. "The pre-prohibition gangs of New York," write Thompson and Raymond, "as classified by their national or racial antecedents—were principally made up of Irish, Italians and Jews."²³ Groups long oppressed or discriminated against carry with them stored-up resentment. The wrongs sustained pile up; they are repressed and presently transformed into insanity, suicide, violent thoughts, and violent deeds which may be out of proportion to the ultimate provocation.²⁴

The impulse to violence may of course undergo a process of sublimation. It makes its reappearance in police stations, the district attorney's office, and on the judge's bench. It will reappear all of a sudden in situations of real or imaginary self-defense, or warfare, external or internal.

A criminal in a position to observe many gangsters has even pointed out the effects of religious discrimination, and adds a new point, probably correctly seen: the comparatively stronger cohesion of minority groups and their building up of defensive mechanisms, attitudes, and codes.

Most gangsters, it happens, come from the slum districts of the city, usually from parents of foreign (including Irish) extraction.

21. "There always existed in the real, sober, level-headed West a contempt for the West-struck man who was not really bad, but who wanted to seem 'bad.' Singularly enough, men of this type were not so frequently local products as immigrants. The 'Bootblack bad man' was a character recognized on the frontier—the city tough gone West with ambitions to achieve a bad eminence." *Idem*, p. 15. There are such types among those of foreign descent.

22. There have been college men among the most dangerous gunmen—"shot-gun Zeigler," for instance.

23. *Op. cit.*, p. 3.

24. Inferior social status can be squared up by superior physique and intrepidity. The temptation is great to make use of this asset in an unlawful way. After a known outlaw was killed in New Mexico, "the doctors said when they examined this man's body that he was the most perfect physical specimen they had ever seen." Hough, *op. cit.*, p. 12.

Most of them were brought up in the Catholic faith and have thus at an early age been impressed with the need of close adherence to a body of belief which was generally despised by the majority of the members of the community (Catholics have always been at a disadvantage in the American community, except in the urban centers).²⁵

Added to this collective discrimination is a twofold personal grudge that seems to confirm the defensive animosity of the group from which the potential gangster comes.

In a slum where differences of economic status, class, and school performance are nonexistent,²⁶ other distinctions come to the fore. Racial and religious majorities²⁷ draw lines representing a status of being better and closer to the primitive ideal of conformity. I remember such discriminations from my European experience. Another cleavage supervenes in the United States: we see boys deeply ashamed of parents who are not citizens; girls coming from immigrant families who dream of marrying, not a fairy-tale prince, but a citizen. The foreign-born boy, or boy born in the United States of foreign parents, has a tendency to look up to American ways of life and American adults because they seem to contain within themselves the great secret of success. In describing the life of a gangster Nelson writes, "In his neighborhood the gangster was the hero whom all the younger boys worshipped."²⁸ To the juvenile brain the father is a tired worker who does not speak good English, is a foreigner, and looks like an inferior and defeated type.²⁹ What a different lot are the gangsters he watches. "The men who frequent the neighborhood gambling houses are good-natured, well-dressed, adorned and sophisticated, and above all they are American."³⁰ The

25. Nelson, *Prison Days and Nights*, p. 120.

26. None of them finished school; they were mostly truant.

27. The juvenile gangs all rest on a racial or religious basis; there are Negro, Protestant, Catholic, and Jewish gangs in New York and Chicago, Mexican in Los Angeles. The fights between juvenile Catholic and Protestant gangs in London are depicted by Spenser in *Limey Breaks In*, pp. 11 ff.

28. *Op. cit.*, p. 83.

29. In many cases there is not even that; the father is dead, divorced, has deserted, or is otherwise absent.

30. John Landesco, "*Organized Crime in Chicago*," *Illinois Crime Survey* (Chicago, 1929), p. 1046. Al Capone's desperate attempts to look and sound like a native were pathetic because he looked and sounded so typically Italian.

gang is so impressive to the pubescent mind because it seems an easy solution to all the enigmas of this confusing world. To a youngster of the London slums the world is divided into "mugs" and "wide people"—idiotic working "saps" and smart racketeers, or "cocks" and "lackeys."³¹ And to the foreign-born slum boy in America acceptance in a gang means the fulfillment of his highest ambitions.

There is only one way for a slum boy to rise: to be known as a fearless fighter. Of all assets, as he looks around, the fist and physical courage seem to be greatest. At election times the ward politicians need the services of strong-arm men; they do what is called in the parlance of these politicians "getting out the vote." They "vote the gravestones."³² And they do something else, as one such boy recalls of the prohibition era: "They protected the vote frauds, and fraudulent voting has been a normal part of the metropolitan elections."³³ The close alliance between politicians and gangsters was cemented by mutual need; the gangster delivered terror and terror-made reflection, and was paid for his performance. Or the gangs delivered money made in their rackets, and the boss reciprocated with protection. One good turn deserved another, and when the boy, street-corner wise as he was, stood and watched, a conviction stole into his heart: the fighter is the best man—everybody is wicked, but only the rich or the powerful get away with it, because they can buy and fight their way out. Should he still doubt, a prison term would press this philosophy deep into his mind. He became a "realist," a "cock," living up fervently to the highest standards of a tough guy.

Nelson, who as a minor criminal admired the gangster, has maintained that he is the criminal most perfectly adjusted to his environment.³⁴ This is partly true, but his adjustment is

31. For these distinctions see Benney, *op. cit.*, p. 25. He sees the world, as a boy, in this simple formula: "The Mugs are respectable, honest, hard-working, moderate-living, dull, church-going, fundamentally stupid and credulous. The Wide people . . . live gaily, love promiscuously, drink vastly, sing loudly, lie brazenly, swagger outrageously and hate dangerously. Above all they never work." For a New York boy looking admiringly upon the old border gang, see my paper, "Juvenile Delinquency and Adult Disorganization," *Journal of Criminal Law and Criminology*, July-Aug., 1944, p. 92.

32. Thompson and Raymond, *op. cit.*, p. 138.

33. *Ibid.*

34. *Op. cit.*, p. 181. The author continues, "His environment is the slums, the underworld, where ruthlessness and physical bravery are the qualities which count; and those qualities the gangster possesses to an astonishing degree."

limited to the narrow confines of the city slum and becomes inoperative as soon as he leaves this area. It must be admitted, however, that prohibition produced spotty slum conditions in our midst and helped in the creation of a more or less circumscribed spirit of lawlessness. We would be wrong, however, to assume that this failure was, or is, the only crack in our moral dikes. There is still the tremendous business in drugs, gambling, and prostitution.³⁵

When quarrels take place, no illegitimate business can resort to the normal expedient of legal action.³⁶ It exists in a state of nature, so to speak.³⁷ Violence therefore takes its rightful place in all these spheres. Agreements are enforced by violence, trouble is solved by violence, and the great gangs can be relied upon to sell any amount or quality of violence to protect illegitimate enterprise or force a competitor out of business.

Good observers of the small group of criminals which reaches prison agree that they have a high esteem for physical prowess,³⁸ and that by their creed money is the most important thing in the world.³⁹ The procedure of gangsters rests on this dogma. One section of mankind can be intimidated, another can be bribed; and whoever has been bribed can from then on be intimidated. There are unfortunately many examples to show that this primitive psychology is correct. Some persons, of course, do not take money but accept favors and political support, or the removal or silencing of enemies and competitors. By thus fortifying their position they acquire or retain the opportunity of making money; they are bribed.

35. Many organized activities feed the great rackets: taxicab companies, certain hotels, health resorts, auto courts, and so on.

36. Warden Lawes at Sing Sing interviewed a gangster who had eliminated a competitor and was then in the death cell: "While he was awaiting execution, he would constantly talk of his past to me, and in discussing his racketeering methods, would refer to them in the same serious tone as a retail executive describing a sales campaign.

" 'Legit guys got legit ways of doing business,' he said, 'but in my line, Warden, everything's illegit, from the racket down to the guys that was competin' with me. So how was I gonna handle 'em legit? Could I sue 'em?' " *Meet the Murderer*, pp. 98-99.

37. The obsession of many gangsters for guns and for condensed and swiftly loosed violence is a part of this being at home in the jungle or wilderness of disintegration.

38. Clemmer, the *Prison Community*, p. 146.

39. *Idem*, pp. 171-172. "Why, hell, with money you can do anything—live in the best flats, drive those low, racy cars, get yourself 'broad' after 'broad,' get into the best clubs, and clothes."

By coupling the machine of crime and the political or administrative machine in a give-and-take technique, security for both parties is assured. Since the political machine depends on elections the gangster must avoid one blunder: the violent arousal of public opinion. A very heinous crime, overstepping the borders of gang warfare, will endanger a political reëlection and force the boss to sacrifice some minor man on his payroll to the Moloch of public indignation. Lawes has also very justly remarked in discussing a professional killer who made a practice of soliciting paid killings that this is something distasteful to every experienced gangster.⁴⁰ Whatever becomes in this manner professional is not controlled by the code; it is tricky and out of hand.

Organized violence is an effective weapon. It is easy, first to create a danger and then to offer removal of this costly and destructive condition by holding out protection. The eternal watchmen and protective associations imposed on unhappy businessmen are a source of gang income. I omit the tremendous role played by gangsters in labor disputes or union rivalries; any amount of violence is hired. Some gangs serve both sides at the same time and thus render the struggle interminable.

Besides exercising pressure on judges, district attorneys, and police through the political machine, there are other ways of paralyzing law enforcement. Violence again heads the list of methods employed. The elimination of undesirable witnesses is a common practice.⁴¹ The Rosenthal murder (New York, 1912) is a striking instance.⁴² Whenever testimony has been incriminating the witnesses are induced by strong-arm means or threats to recant, so that a new trial may be asked for.⁴³ Jurors are bribed—not always by cash; unemployed jurors have been

40. *Meet the Murderer*, p. 100. These free-lance trigger men are suspected by gang leaders. Brutality without "principles" is a danger to everyone.

41. The famous gangster Waxey Gordon was one of the ring that brought "fine whiskeys into the country from St. Pierre Miquelon, Nassau, in the Bahamas, and Lunenburg, Nova Scotia . . . one Hans Fuhrman, a captain of a rum runner [was] star witness for the prosecution. Before he could testify the rumboat captain was found dead in a hotel bedroom." Thompson and Raymond, *op. cit.*, pp. 28-29. Hotels do not like murder publicity.

42. Told by Lawes, *op. cit.*, pp. 18 ff.

43. See the case cited by Thompson and Raymond (*op. cit.*, p. 163), and the report by Robert I. Center on the Luciano trial (New York, 1936) in which Thomas Dewey prosecuted: "The Halt of Racketeering," *Atlantic Monthly*, July-Dec., 1937, p. 456.

known to get employment with the political boss after an acquittal. False alibis are extorted or bought.⁴⁴ Witnesses if not eliminated develop strange cases of amnesia. Police records disappear. Even the state's star witness suddenly changes his story.⁴⁵ The countless arrests bring only very few corresponding convictions. Society's greatest weapon, organization backed by money, political power, and terror, is thrown against it and its defensive machine is partly put out of action.

3. *Genetics and Dynamics of the Gang*

The gang differs from other groups: it is composed of adult males, the female camp followers and members of transient harems being only outsiders; legal wives are sometimes not aware of the gangster qualities of their husbands or classify them as half-legitimate businessmen on the dividing line between business and racketeering.

Any adult group which has not acquired the rigid form of an institution or developed a fixed hierarchical setting lives more by the contribution of its members than by any formal traits of its own. The character of the group depends on the characteristics of the individuals constituting it. It is therefore not enough to say that the gang is recruited from minorities which have suffered wrong, and from persons in them who feel themselves wronged by life, society, or nature. While our social organization has not permitted them to rise and gain recognition,⁴⁶ everyday experience has meanwhile taught them that in

44. Narrating the story of a gangster who shot an armed guard, Nelson (*op. cit.*, p. 86) says, "The books of a New York firm of longshoremen showed that Williams and his pals had been working in New York on the day of the robbery!" The hold-up took place in Boston.

45. See William Foote Whyte, *Street Corner Society* (Chicago, University of Chicago Press, 1943), p. 115. Here the state's star witness changes his story. In an instance related by Asbury (*Barbary Coast*, p. 80) the witness for the prosecution suddenly decides to visit his home in France and the case has to be abandoned. Of a witness in the Luciano trial we learn: "One witness never appeared in court, although he was arrested in the general raid on Febr. 1. As he was the only witness who had seen Luciano at a meeting of the combination, his testimony would have been invaluable. Toward the end of the trial he was brought to the courtroom early in the morning, prepared to testify. Before the court was in session he flatly refused to testify, asserting that his previous statements had been false." Center, *op. cit.*, p. 452.

46. When Clemmer studied 14 leaders of prison gangs he found that the need for recognition had been frustrated already in school: "School achievement has not progressed beyond the eighth grade, except in the cases of E. and L. who

the slums their fists and their wits will carry them to the top. They have felt the spur of admiration after having admired older gangsters for many years. Worship obliges. They have tried to realize what the minor members of the gang expect them to be, often overreaching themselves as to courage and skill, pushed into daring adventures by playing the hero and the big-shot role before a public which pitilessly exacts the deeds of a superman from a brave ordinary person.

We cannot understand the peculiarities of the social situation in any case if we are not careful to consider the individual gangster: his physique, psychology, and code—for all these traits and characteristics enter into the structure and the function of the gang.

Although reliable and exact material is scant, it appears evident that gangsters are not always men of splendid physique or ideals of male beauty. One may point out a few of the nicknames met in the relatively small literature on gangsters. There is "Deafy Farmer,"⁴⁷ There are "Happy Jack,"⁴⁸ "Humpty Jackson,"⁴⁹ "Red Farrell,"⁵⁰ and "Johnny Lefty."⁵¹ "Dopey Benny" was "not a drug addict, but adenoidal and nasal troubles from infancy gave him a sullen, sleepy appearance."⁵² To the names "Crazy Butch"⁵³ and "Mad Mick"⁵⁴ as popular diagnoses of their mental state little need be added.

Undersized and juvenile gangsters are frequent. I have mentioned earlier the baby-faced criminals. Let me add here Louis

had two years of high school and A. who quit college during the first year." *Op. cit.*, p. 137. In contrast to these findings, the intelligence of the leaders was above that of the prison population. *Idem*, p. 136.

47. Cooper, *op. cit.*, p. 213.

48. Asbury, *The Gangs of New York*, p. 255: ". . . so called because he always appeared to be laughing. However, the smile was caused by a partial paralysis of the muscles of the face. In reality Happy Jack was a verjuiced person and very sensitive about his deformity . . ."

49. *Idem*, p. 265.

50. *Idem*, p. 257. This legendary New York gang leader in pre-Civil War times is described this way: "Mose was at least eight feet tall and broad in proportion, and his colossal bulk was crowned by a great shock of flaming, ginger-colored hair . . ." *Idem*, p. 34.

51. Thompson and Raymond, *op. cit.*, p. 5. A photograph of Lefty Louie, one of the trigger men in the Rosenthal-Becker case, may be seen in Asbury, *op. cit.*, facing p. 341.

52. Asbury, *op. cit.*, pp. 362-363.

53. *Idem*, p. 245.

54. Thompson and Raymond, *op. cit.*, p. 314.

Palermo, called "Shorty,"⁵⁵ and "Little Freddie,"⁵⁶ "Little Itch,"⁵⁷ and "Little Ziggy."⁵⁸

Three distinct types gather in a gang. There is first the upper class of the cold autists. Their "realism" is not only the result of experiences and frustrations, although minority grievances, slum life, lack of understanding and guidance, poverty, and school failure have left deep scars. In this "realistic view of life" there is an innate emotional chilliness. "They *know* as a rule 'what right and wrong is' but they do not *feel* it."⁵⁹ This makes them good tyrants and good war leaders but inadequate types when the time of command and obedience is over and other mechanisms of social interrelations enter into operation again. They are selfish,⁶⁰ although they do not always behave selfishly if they prefer being admired and loved to a material profit. It is hard to say whether they are brave in the moral sense of the term. But many of them show an utter contempt of life—their own or anyone else's⁶¹—and this quasi-suicidal tendency bears all the external marks of intrepidity to arouse admirers of this intense mode of living.⁶²

The following chat between Warden Lawes and a gangster in the death house demonstrates this trait better than anything one can say to describe it:⁶³

55. *Idem*, p. 268.

56. Asbury, *op. cit.*, p. 233.

57. Thompson and Raymond, *op. cit.*, p. 56.

58. *Ibid.*

59. Eugen Kahn, *Psychopathic Personalities* (New Haven, Yale University Press, 1931), p. 348.

60. "Never had a thought in his life not connected with himself," said one of Clemmer's prisoners of a fellow convict. *Op. cit.*, p. 124.

61. Thompson and Raymond, *op. cit.*, p. 32.

62. Nelson's portrayal of the gangster is full of this admiration. He writes, ". . . I . . . have to record that he is, of all criminals, the man who most nearly lives up to a code of conduct which he believes right (from his twisted point of view). I have personally known gangsters who went to prison for long terms when, by revealing the truth, they could have shifted the blame where it rightfully belonged (on other members of the tribe who luckily evaded arrest) . . . he knew, for example, of four gangsters who went to their deaths in the electric chair for crimes they did not commit. From the gangsters' point of view, this was merely 'the breaks of the game,' which they accepted bravely and philosophically." *Op. cit.*, pp. 120-121.

63. *Op. cit.*, p. 102. Lawes adds, "I will always believe that Leonard Scarnici placed not the slightest value on human life—even his own—because the night he walked to his death, he smiled as the helmet was placed over his head. And that smile was sincerely and cynically fearless." *Idem*, p. 103.

When I stopped in to see him, he remarked coolly:

"You know, Warden, after I've bumped off so many guys, it's funny I'm not afraid to go myself."

"It's just as well," I commented, not wishing to go too deeply into that subject.

"I guess so," he answered unconcerned, then added, "I guess, it's because life never meant nothing to me. When you go, you go. That's the way I looked at it with other guys, and that's how it strikes me about myself."

Do some gangsters in fact have a depressive sprinkling in their mental set-up; do they, instead of attempting their own lives, resort to gang feuds, police guns, and executioners?

Another layer in the gang consists of what I should like to call "frustrated" individuals: undersized, physically handicapped,⁶⁴ "secret cripples," underprivileged still more by nature than by society. At times the category coincides with that of the cold autists.⁶⁵ In some the only defect, psychologically of course most significant, is that of the general development, which by any one of various processes has been arrested soon after puberty and has remained on the level of the pubescent. Although physically grown up—often even not quite that—they present numerous infantilisms and this immaturity is principally expressed by their conduct, their predilections, hobbies, juvenile attitudes, and emotional incompleteness.⁶⁶

We need but look at the names of some famous gangs in New York, Chicago, Detroit, and Los Angeles to find designations which remind us of our early boyhood. There were first, in New York, the "Forty Thieves" and the "Roach Guards,"⁶⁷ the

64. Whyte relates of a young gang leader: "His father died when he was a small boy. When he was three years old, infantile paralysis shriveled his left arm so that it could never again be normal, but by constant exercise he managed to develop it until he was able to use it for all but heavy work. . . . Doc was always sensitive about his arm, . . ." He had developed his right arm to a formidable weapon. "I was a tiger when I was a kid, I wasn't afraid of anybody." *Op. cit.*, pp. 3-4.

65. Stanley attributed the bravery of Big Bill Connor, a gang chieftain, to the fact that he was "a victim of both tuberculosis and dementia praecox." *Men at Their Worst*, p. 221.

66. A certain braggart brutality is infantile, if not schizophrenic. Michele Merlo, chief of the Mafia in Chicago, who died in 1924, had this confession of faith: *Credo in un dio crudel', che mi ha creato simile a sé* (I believe in a cruel god who has created me like unto him). Lynch, *op. cit.*, p. 113.

67. Asbury, *Gangs of New York*, pp. 21-22.

"Plug Uglies,"⁶⁸ "Shirt Tails,"⁶⁹ and "Dead Rabbits."⁷⁰ The waterfront was the battlefield of the "Daybreak Boys," "Swamp Angels," "Slaughter Housers," and "Short Tails."⁷¹ There were, further, the "Honeymoon Gang,"⁷² and the "Gophers," "Gas Housers," and "Hudson Dusters."⁷³ The "Purple Gang" and the "Little Jewish Navy" roamed through Detroit,⁷⁴ and the "California Daylighters" were the terror of Los Angeles.⁷⁵

In looking at pictures of gangsters we notice that there is an imperceptible transition between the juvenile and the adult gang.⁷⁶ Many faces seem to belong to high-school boys and the frequent addition of "Pretty"⁷⁷ certainly has a significance. Gangsters adhere to a social "race theory," another infantile symptom; we have seen Mark Benney's childish picture of the world when he was still a small boy: a society with just two classes, the Wide People and the Mugs, the latter existing solely to be fleeced by the former.⁷⁸ Notes from the life history of a gangster which Landesco secured for the *Illinois Crime Survey* express the same idea.⁷⁹

The men in the underworld are the brainiest men in the world. They have to be, because they live by their wits. They are always planning something, a "stick-up," a burglary, or some new "racket."

They are constantly in danger. They have to think quicker and sharper than the other fellow. They have to "size up" every man they meet, and figure out what "line" to use on him.

68. *Idem*, p. 22. The gang was Irish, named for their enormous plug hats.

69. "They wore their shirts on the outside of their trousers," a most up-to-date device. *Ibid*.

70. "A rabbit was a rowdy and a dead rabbit was a very rowdy, athletic fellow." *Ibid*.

71. *Idem*, p. 49.

72. *Idem*, p. 104.

73. *Idem*, p. 260.

74. Lynch, *op. cit.*, p. 123.

75. Stanley, *op. cit.*, p. 221.

76. Photographs may be found in Stanley, *op. cit.* (San Quentin material); Cooper, *op. cit.* (Federal Bureau of Investigation material); Asbury, *Gangs of New York*, and Thompson and Raymond, *op. cit.* (New York City material).

77. For instance, "Pretty Boy Floyd" (Cooper, *op. cit.*, p. 128) and "Pretty Amberg" (Thompson and Raymond, *op. cit.*, p. 107).

78. Thompson and Raymond, *op. cit.*, p. 25.

79. *Illinois Crime Survey*, p. 1048.

The leading men of the underworld can move in every circle of society. They are at home in Chinatown, along the "main stem," in gambling dives, or in the best hotels and the "Gold Coast." When they have a lucky break they can live like millionaires: when their money is spent they plan new schemes.

It is obvious that this boyish hero vision is poverty-bred and slum-fed.⁸⁰ The strength of this self-worship and adulation⁸¹ accounts for a good deal of the "big shot" ideal when still an assistant, and of the "big shot" complex when arrived.⁸² Afflicted with this complex higher-up gangsters fight to the knife with competitors in business and admiration.

The fame addict assumes a pose, but this pose demands certain lines of conduct; repeated attitudes and activities again mold and twist the mind. If moral inhibitions are feeble or nonexistent, the craving for the only sort of prestige which seems worth while and attainable becomes an obsession. The blazing reports of the press, the gangster film, the slum pool-room and dance hall gossip augment the morbid attraction. There are a thousand barriers the boy could not overcome—descent, education, maybe illegitimacy, perhaps some physical defect—this one "class barrier" he can jump in ten minutes by mere daring, as a gallant soldier in war can advance from

80. The whole pride of street-corner wisdom and street-corner vitality speaks from the following utterance of a prisoner: "I have seen college graduates starving to death trying to make a living stealing. I don't class embezzlement as stealing. In other words, it takes more than academic intelligence to make a successful thief—if there is such an animal." Clemmer, *op. cit.*, p. 125.

81. Nelson distinguishes between genuine gangsters and the imitation—of the latter, he says: "Let me describe this type of criminal. He is usually a man with a strong inferiority complex. He longs for the adulation of his associates, who are chiefly girls and 'sheik' habitués of dance halls. He reads about the exploits of real gunmen and notices the stir they create in the press and among the dance-hall girls. He sniffs himself crazy with cocaine, goes out and commits some senseless but vicious crime, and believes that at last he has arrived." *Op. cit.*, p. 183.

82. This complex is produced and fed by the morbid attachment of women to the total he-man. Lawes often got letters from women asking, "May I correspond with a murderer?" and he comments: ". . . why should a woman want to bother with a murderer she has never seen? Probably because some women feel that such criminals are braver and more virile than the average man of respectability. Frequently, a lovelorn damsel confesses: 'I'm really very much interested in corresponding with ———. He impresses me as being so masculine. That sort of man fascinates me.'" *Op. cit.*, p. 286.

private to officer. This was the state of mind of Lawes' "Jimmy" in Sing Sing:⁸³

As time went on, Jimmy's hunger for recognition almost became a disease. He would have welcomed a chance to battle with the cops, yet he never seemed to run into the dangers encountered by big-time mobsters. Soon Jimmy reached a stage where he was itching for an excuse to kill someone, any one, no matter who, just so he could be hailed as a "big shot." He was tired of being ignored. He dreamed of a day when his entrance into a poolroom would cause admiring eyes to strain for a glimpse of him.

Ambition is a double-faced attribute. It has been the incentive behind the greatest accomplishments in world history. We try to develop it and to give it socially useful aims. Ambition drove a youthful gangster to excel Two-Gun Crowley;⁸⁴ as "Three-Gun Connor" he went to the electric chair.

In the adolescent, joy of combat, the craving for excitement (vicariously furnished by moving pictures, adventure stories, and watching games), addiction to gambling, sex ventures, and wanderlust are normal phenomena. If, however, these stages of evolution persist in an adult there is reason for alarm. Healy has pointed out one of these phases, when stage-struck girls seek "glamour" in New York or Hollywood and run into personal and social difficulties.⁸⁵ He refers to the term "break loose" and the explosive character of such desires, which are sometimes comparable in urgency with dipsomania.⁸⁶ The word "thrill" indicates the emotional ambivalence of the situation, in which the sense of self-preservation and self-destruction alternate. The "stage-struck" boy of the slums, in turn, craves the false footlights of gangsterdom.

Some other infantile symptoms must be mentioned. One of them is the dandyism of many gangsters. Some have borne the

83. *Idem*, p. 88.

84. "Crowley . . . was simply an undersized, puny, pimply-faced kid with adenoids and a deep-seated inferiority complex brought about by his unattractiveness and the fact that he was an illegitimate child. Automobile thefts marked the height of his criminal plottings, and he stole, not for profit, but because a sporty car impressed women whom he could not otherwise affect." *Idem*, p. 90.

85. *The Individual Delinquent*, p. 764.

86. *Ibid.*

nickname "Tootsie,"⁸⁷ which according to Webster in childish or humorous lingo means "a term of endearment for a person," but has still another meaning, if we follow Asbury.⁸⁸ Gangsters have a tendency to dress flashily.⁸⁹ They like to discuss fashions and are interested in interior decorating, a clearly feminine trait.⁹⁰ Clemmer noticed that "There is much talk by the prisoners of the clothes they wore before coming to prison. Apparel is an item of considerable importance to the delinquent personality. A man who before incarceration was only moderately concerned with clothes soon becomes aware that if he is unable, in certain groups, to talk interestingly and knowingly about clothes, he will not be included."⁹¹ It seems likely that the gangster, artistocrat of the prison world, is responsible for introducing these trends and interests into the penal institution. Some younger convicts may adopt the vogue and develop it to extremes in free life.

Also juvenile is the attraction to guns, which should be studied more thoroughly. The momentary superiority won by a weapon is a deep satisfaction to the weakness of the youngster. This is one reason why the armed vocations—army, police,

87. "Tootsie Herbert," Thompson and Raymond, *op. cit.*, p. 273.

88. "In this young man . . . is repeated a familiar behavior pattern of the gangster, exhibited through his love of finery. Tootsie got his name because of his love for good clothes and perfumed hair oils which he plastered down his black and slightly curly locks." Thompson and Raymond, *op. cit.*, p. 273. Tootsie paid \$200 for his suits, \$4,000 for his automobile, and his living expenses ran around \$1,000 a week. *Idem*, p. 277. See the street-corner boys looking through the windows of the saloon where the typical member of the Old Border Gang stands at the bar, "well dressed, with clean linen collar . . . a diamond in his tie, an air of ease and leisure all about him . . . When I saw one of these great men pass, my young imagination was fired with the ambition to be as he was." Hutchins Hapgood, *Autobiography of a Thief* (New York, Fox, Duffield & Co., 1903), p. 27.

89. Of the great gangster Waxey Gordon we learn: "Gordon's clothes were built to his bulging frame by the same tailor who supplied Al Capone, and he paid \$225 a suit for them. . . . He paid . . . a \$10 minimum for cravats. He was a stickler about neckwear, all his ties being made of French airplane silk . . ." Thompson and Raymond, *op. cit.*, p. 30.

90. When the police raided Jack Diamond's home, the hang-out of the gang was "hung with silks and damasks—silks on the wall, silks on the chairs." *Idem*, p. 44.

91. Clemmer, *op. cit.*, p. 169. "Thus the ex-farm hand or the mechanic will spend hours poring over fashion magazines or mail-order catalogues, in search of the exact width of the braid in full-dress trousers, the number of buttons on a dinner jacket, the shape of lapels on the business coat, and so forth." *Idem*, pp. 169-170.

detective, appeal to him and play a prominent role in the fantasy and play of boys.⁹² There are individuals in whom the laboriously maintained balance of impulses and inhibitions is wrecked by the mere possession of a gun. The gun releases the safety catch in their mental framework.

The dandyism of the gangster is expressed in many other mannerisms.⁹³ Perhaps the strangest infantilism is the gaudy display of gangster funerals. When the murdered gangster Frankie Yale (Uale) was buried, "the box which encased Yale was said to be made of silver and it glinted like silver. It required thirty-eight automobiles to carry the floral offerings sent by Yale's friends" ⁹⁴

In Danny Iamascia's funeral "it required thirty-five automobiles to carry the flowers and 125 others to carry the mourners." ⁹⁵ ". . . the coffin of Joseph Catania, alias Joe the Baker, was of solid bronze and was priced at \$15,000. That was the finest casket ever given a gunman in New York." ⁹⁶ The tremendous suggestive effect of these superstate-funerals can only be gauged by one who knows how little folk dream of a fine funeral of their own; it is the last desperate and comforting gesture of self-assertion and self-recognition. Landesco mentions the following news report of a Chicago funeral:⁹⁷

"In Ten Thousand Casket Dion Lies in State"

Dion O'Banion lay in state in the Chapel of the Sherbaro Undertaking Rooms at 708 North Wells Street in a ten thousand dollar casket. It was "the best money could buy." Its designers in Pennsylvania sent it to Chicago in a special express car that carried only the casket for freight.

92. Some gangsters have been formerly associated with law-enforcing agencies; the six members of the famous Touhy Gang were the sons of a policeman. Cooper, *op. cit.*, p. 65. Frances Luce, gangster Frank Nash's woman, was the divorced wife of a policeman. *Idem*, p. 226.

93. His liking for golf, fashionable health resorts, membership in country clubs, etc.

94. Thompson and Raymond, *op. cit.*, p. 116. For a photograph of the funeral see p. 312.

95. *Idem*, p. 117.

96. *Idem*, p. 118.

97. *Illinois Crime Survey*, p. 1029. Landesco thus reports further details of the Yale funeral: "There were tons of flowers, the floral tribute being estimated at fifty thousand dollars . . ." There were "ten thousand mourners and 250 automobiles." Landesco, *op. cit.*, p. 1039.

Whether messages on red pillows of roses, as "Love, Pal," or "Love from the Boys," have special significance is hard to say. The inscription "We'll see them, kid," certainly had.⁹⁸

I hesitate to range the adherence to a strict code among the infantilisms. Without a set of rules and means of control no gang could operate for two weeks. The gangster is doing a dangerous business. The regulatory and protective function of the law does not exist for him.⁹⁹ As member of a political conspiracy he would be completely at the mercy of chance and treachery if he had not devised forms of compulsion and media of execution behind the ideology. Whoever enters the gang is presumed to have assented to the tacitly understood pact; otherwise he would not be permitted to share in its profits and its prestige. That gang justice is often singlehanded mob violence does not change the essential character; neither does the fact that it is not our code. However, being a simple precondition of survival in the struggle against organized society, the same or a similar code is found wherever small secret groups aim at the overthrow of established authorities. The underground movements during the second World War employed the same spiritual and mechanical methods of self-protection.

The third group to be added to the autists and the frustrated as sources of gang personnel, I shall allude to only briefly. They have already crossed our path in the chapter on excess of physical vigor. They are designated by the slang expression, "gorillas." They are the "sluggers" and "bruisers," the physically overdeveloped individuals whose greatest joy is combat, a fist fight, gunplay. The idea of killing or being killed does not give them pause. They are the bodyguards and bailiffs of the gang executives. Here is the connecting link between the many athletic "clubs" and the world of crime¹⁰⁰ and of crime-fighters.¹⁰¹ In

98. Thompson and Raymond, *op. cit.*, p. 116. "One hundred policemen, many in plain clothes, moved diligently about the cemetery, tapping the chests and the hips of the mourners for guns, but arresting no one." *Idem*, p. 117.

99. "Brennan, for instance, a former prize fighter, bought a load of hijacked whiskey from Jack Diamond and did not pay the amount agreed upon; . . . one of Diamond's gunmen killed him." *Idem*, p. 45.

100. "I never watched the races and games [in San Quentin] without a sense of burning indignation that such fine-looking athletic material should have found its way behind bars." Stanley, *op. cit.*, p. 192.

101. See the story of the chief of the "Strong-Arm Squad," Police Lieutenant Becker, who was executed in Sing Sing. Lawes calls him the "graft soaked . . . coarse, brutal, plug-ugly lord of the 'Tenderloin.'" *Op. cit.*, p. 19.

contrast to the great gangsters who die in their shoes, many of them, faithful and feeble-minded, linger in prisons or end in death row.

These rough-and-tumble fighters are drawn into the orbit of the great rackets as are bouncers to turbulent joints and "re-possession bullies" to certain hire-purchase firms.¹⁰² Their lack of brain seems to be equalized by a profuseness of brawn, which gives them a childlike absence of fear.¹⁰³ They lean upon the shrewd and dynamic leader, the two types together constitute a most dangerous symbiosis of mental and physical equipment, each property serving as complement to the other and both unhampered by moral inhibitions.

4. The Prison Gang

The gang in free life is mainly a protective group because without some defensive organization its aggressive aims could not be attained. It has been said that the leader "spends more money on his followers than they on him," that he is "the man who acts when the situation requires action," and directs the relations of his group to other groups; finally, that "the politician and the racketeer must deal with the leader in order to win the support of his followers."¹⁰⁴ When he gives his word to one of the boys, he keeps it; he is respected for his fair-mindedness in the group and known and respected outside of his group.¹⁰⁵

The activities of a prison gang are restricted and some of the phenomena of leadership change in the prison set-up. Fair-mindedness remains a principal requirement: the leader must be "right."¹⁰⁶ The ability to steer the gang through the meshes thrown out by law-enforcement agencies is replaced by his ability to "con" or fool officials and his strong antagonistic attitudes toward courts, the prison administration, the parole board, and God.¹⁰⁷ Doomed to physical impotence, the leader is

102. The latter are delighted executors of "snatching back" clauses in hire-purchase deals. These clauses eliminate court action and render physical violence legitimate.

103. In the trial of the gangster Luciano an observer reported this incident: "Treasurer of Luciano's combination was Tommy Pennochio, nicknamed 'The Bull.' A large, heavy Italian, he had smashed his way through obstacles by sheer physical power.

"In Justice McCook's courtroom he showed little intelligence, frequently went to sleep." Center, *op. cit.*, pp. 449-450.

104. Whyte, *op. cit.*, pp. 258-260.

105. *Idem*, p. 259.

106. Clemmer, *op. cit.*, p. 138.

107. *Idem*, p. 139.

confined to verbal battle. The safety problem does not arise in prison, where the worst enemy is boredom and the crushing monotony of prison life is successfully attacked by the leader of a prison gang. His knowledge of criminal techniques, his rough jocosity, his unscrupulous enjoyment of forbidden pleasures—mainly in the field of alcohol, sex, and gambling¹⁰⁸—render him interesting and help the gang to idle away that most unbearable burden, time. That older criminals are decreasingly gregarious shows that they have developed other, more individual protective mechanisms, among them the “prison stupor.”¹⁰⁹ Gang life, even in prison, is mostly a manifestation of the juvenile mind.

5. *Mobs and Crowds*

Of the different types of mob—the jesting, the admiring, the mourning, the exultant, and the angry mob—only the last is of interest to the criminologist. There is a relation between the aggressive mob and the criminal gang. No enraged mob proceeds to excesses without being led by a smaller gang-like nucleus of like-minded and like-acting individuals. Lynchings are sometimes committed by small gangs of self-appointed avengers; physically no mob is present. Yet they feel the affirmative touch of a spiritual mob which inspires and guards them. They know that the sheriff, the grand jury, and the judge are penetrated with the same spirit and the same prepossessions.

There is no lynching practice in Canada, nor is it met in England, France, or Germany. It has been said that traces of lynch methods were formerly found in Little Russia, where peasants protected themselves in this manner from horse thieves.¹¹⁰ Some writers have maintained that lynching is a remnant of frontier life. But the lynchings of frontier periods and of the present day cannot be put on a par. In formative stages of society there was no complete or safe system of law enforcement. Miners' courts, vigilantes, and other groups

108. *Idem*, pp. 138-139.

109. Nelson thinks that the lack of social, mental, and emotional contacts together with malnutrition and other physical factors causes this malady, since “the human being . . . is a very bad companion for himself.” *Op. cit.*, p. 226.

110. James Elbert Cutler, *Lynch-Law* (New York, Longmans, Green & Co., 1905), p. 3.

exercised a summary justice, not infrequently after going through an elaborate procedure. Such action may be excused in the formative stages of society. All social controls have started in this way. Yet when regular courts enter into operation the expedient must give way to legal proceedings.

Today's lynchings must be regarded as symptoms of a disruptive social development. There are, of course, countless cheap rationalizations: legalities and legal tricks might save the culprit from punishment; court procedures are endless; the county should be saved the cost of a trial; and so forth. An ineradicable practice of lynching must be regarded as a serious symptom of untamed primitiveness in the midst of a highly developed technical civilization. It is a crime, according to our books and our accepted laws. In a type of mental revolt, however, millions defend it, and this split in our mentality keeps the ugly atavism alive.

It is true that lynching is declining. In 1889-99 there were 187.5 lynchings per year; in 1935-38 there were only 10.7.¹¹¹ Yet a sudden surge is possible, as happened after the first World War and in the first year of the great depression:

Lynchings and Attempted Lynchings¹¹²

	<i>Lynchings</i>	<i>Prevented Lynchings</i>
1917	38	18
1918	64	13
1919	83	37
1920	61	56
1929	10	27
1930	21	40
1931	13	62
1932	8	33

It is promising to see that after the serious lynch years of 1919 and 1930 the forces of prevention rose powerfully to reduce the number of crimes committed by mobs.

111. Figures from A. E. Wood and J. B. Waite, *Crime and Its Treatment* (New York, American Book Company, 1941), p. 145.

112. A. F. Raper, *The Tragedy of Lynching* (Chapel Hill, University of North Carolina Press, 1933), p. 434.

We have no accurate statistics of lynchings and need but compare the figures given in Raper's book with those of other compilations to see how contradictory the statements are.¹¹³ It can be said that there is little lynching in boom periods and when the war economy favors the farmer;¹¹⁴ depressions are critical and it has been observed that there is an inverse relationship between cotton prices and the number of lynchings.¹¹⁵

The custom of lynching, like all great things, proceeds from small beginnings. It starts with minor infringements. When lynching first crept into the mores of Iowa less than 40% were fatal.

Methods of Lynching in Iowa¹¹⁶
1834-1910

	<i>Per Cent</i>
Hanging until dead	32.27
Whipping	25.95
Stretching	12.65
Tarring and feathering	6.96
Shooting to death	6.32
Assaulting	5.00
Banishing	4.43
Shooting and wounding	1.89
Egging	1.89
Death otherwise	1.26
Drowning	0.63
Ducking	0.63

Compared with today's universal killing, aggravated sometimes by mutilations and ill-usage of the dead body,¹¹⁷ this list looks

113. See the figures (*ibid.*) for the year 1915, for instance; compare *Thirty Years of Lynching in the United States, 1889-1918* (New York, National Association for the Advancement of Colored People, 1919), p. 29.

114. "The issuance of paper money caused debts to be easily paid which aided materially in the prosperity and good attitude of mind during the early part of the [Civil] war." Paul W. Black, *Some Sociological Aspects of Lynchings in Iowa* (Iowa City, 1911), p. 44.

115. See the diagram compiled by T. J. Woofter, Jr. (Raper, *op. cit.*, p. 31), comprising the 30 years 1900-30. 116. Black, *idem*, p. 21.

117. "... because of their nature, the remaining mutilations and tortures will not be described." Raper, *op. cit.*, pp. 143-144. See also *Thirty Years of Lynching*, especially p. 13.

like the well-sorted and comparatively mild code of a medieval community.

Another evolution has been decried by Abraham Lincoln who saw lynchers seize first minor offenders, then Negroes, and finally innocent people.¹¹⁸

It would be tedious as well as useless to recount the horrors of all of them. Those happening in the State of Mississippi and at St. Louis are perhaps the most dangerous in example and revolting in humanity. In the Mississippi case they first commenced by hanging the regular gamblers—a set of men certainly not following for a livelihood a very useful or very honest occupation, but one which, so far from being forbidden by the laws, was actually licensed by an act of the legislature passed but a single year before. Next, negroes suspected of conspiring to rise an insurrection were caught up and hanged in all parts of the State; then white men supposed to be leagued with the negroes; and finally, strangers from neighboring States, going thither on business, were in many instances subjected to the same fate. Thus went on this process of hanging, from gamblers to negroes, from negroes to white citizens, and from these to strangers, till dead men were literally dangling from the boughs of trees by every roadside, and in numbers almost sufficient to rival the native Spanish moss of the country as a drapery of the forest.

Among the proofs of lynch-worthy viciousness were such features as being redheaded or having tattoo marks on the body.¹¹⁹ There are the very old witch signs we know so well from medieval trials: extreme ugliness, running eyes, or some physical peculiarity. The victims of modern lynchings have not been studied scientifically, yet on July 4, 1930, a Negro was lynched whose family were called by local people the “blue-eyed niggers.”¹²⁰ That there have been insane or feeble-minded individuals among them, as among the witches burned in an earlier

118. Address delivered in Springfield, Ill., on Jan. 27, 1837. Cutler, *op. cit.*, p. 111.

119. Black, *op. cit.*, p. 68.

120. Raper, *op. cit.*, pp. 59 ff. E. B. Reuter in *The American Race Problem* (New York, Thomas Y. Crowell Company, 1927), pp. 386, 387, has impressively described the vicious circle of fear, ill-treatment, and more fear following the ill-usage. It is a fear complex which we incessantly increase and justify by our “defense” methods.

period, cannot be doubted.¹²¹ Some of the lynched women were pregnant.¹²²

Mobs may be roughly divided into three parts: the onlookers, those who encourage, and those who act. Law-enforcement officers who do not resist the mob must be included in the dynamic mechanism of the criminal crowd. There are many indications that the bloodthirsty type of human being is less rare than we would expect in a civilized world.¹²³ Most of these persons are tacitly, or passively, even admittedly, bloodthirsty.¹²⁴ They will not kill, but will not deprive themselves of the secret satisfaction of seeing people killed. They are called the onlookers, but in their coming, staying, and looking on there is a concealed synchronization with the deeds of the actual killers.

A more active section of the mob is represented by the spectator who is emotionally upset, shows and transmits his excitement, jeers at hesitations, and encourages the active killers when they seem to temporize. Middle-aged women are prominent in this group. These hundreds and thousands who form the "outer" mob give the green light to the inner mob. In their presence and approving attitude lies a promise of immunity, since this crowd by defending the lynchers will defend their own complicity.

The outer mob, in addition to what I have called the element of bloodthirstiness, is composed of frustrated and dissatisfied people. They may suffer from their own incompetence and a competitive situation in which they feel defeated.¹²⁵ They may suffer severely from one of the recurrent economic crises.¹²⁶ Physical factors supervene; some have been mentioned already. The graph of Southern lynchings by months is most impressive.¹²⁷ Enforced idleness and fear that the weather may damage the crops seem to prepare a rural population for outbursts of

121. Instances in *Thirty Years of Lynching*, pp. 13, 21. After one man was killed it was found that his clothing was marked "No. 43." He had escaped a few days before from an asylum (p. 13).

122. *Idem*, pp. 26-27. "At the burial on the second day following . . . movements of her unborn child could be detected" (p. 27).

123. As shown by the many applications for the job of executioner.

124. With the legitimately "bloodthirsty" butchers and so forth it is socially different; psychologically about the same.

125. The poor whites of the South are an example.

126. See p. 284, figures for 1930.

127. See Cutler's graph, *op. cit.*, p. 163. For other interpretations see *idem*, p. 165, and Wood and Waite, *op. cit.*, p. 145.

activity.¹²⁸ The farmer who has little to do, who is lonely, bored, and dissatisfied, longs for company, for mass emotions and the thrill of the extraordinary. Telephone and motorcar facilitate exciting communication and the formation of crowds and mobs.

The inner mob, the killers, consist mostly of juveniles and psychopaths; there is a sprinkling of the well-known "strong men,"¹²⁹ ex-policemen,¹³⁰ and of the type of the extremely suggestible. When the protection of a large mob is lacking and the gang happens to operate alone, they proceed at night or wear masks. An intermediary between both mob forms is the man-hunt mob. The danger lies here in the fact that everyone is armed and excited by the hunt, the baying bloodhounds, and the feeling of quasi-official responsibilities. Shooting is inevitable, the excuse of resistance irrefutable.

Such man-hunting types are found everywhere; the only way of holding them in check is to prevent the outer mob, factual or spiritual, from forming. The menace of the law is only one of many eventual inhibitions. If the riot clauses in insurance policies were adequately altered, a powerful motive would be set up and a determined enemy of the practice introduced in the shape of big business and its manifold methods of remedying costly situations. At present no insurance money can be collected by relatives of lynched persons or for property damage suffered.

Lombroso spoke of the atavistic criminal type. Lynching is a social atavism. Legal procedures long, long ago emerged from popular and summary justice. Looking into the cultural history of the last century we see a degeneration from a plurality of nonbloody punishments to killing, from secret shame to open defense in many sections of the country.¹³¹ We are sinking

128. "The fact that it had been raining for several days and that for weeks the ground had been too wet to work added much to the general unrest of the rural masses." Raper, *op. cit.*, p. 322.

129. "At the hospital, the wounded mob leader was identified as a local light-weight boxer." *Idem*, p. 463.

130. *Idem*, p. 210; see also pp. 263 (night watchman) and 446 (two former police officers; one had once killed a man).

131. The feeling of a wrong was so strong still, 164 years ago, that an Act was passed in the Virginia legislature to indemnify the deeds of Charles Lynch and his associates. It was said that the lynchers should "stand indemnified and exonerated of and from all pains, penalties, prosecutions, actions, suits, and damages, on account thereof." Quoted by Cutler, *op. cit.*, p. 30.

deeper into atavistic attitudes by denying the colored race the full protection of the law.¹³² Evidenced is the atavistic foundation of the practice by such penalties as tarring and feathering, and ducking.¹³³ They have long disappeared from our codes but the primitive mind clings to them, as it does to superstition, magic, and social family-medicines.¹³⁴ In combating the custom we are trying to shake off and master our mental past; no wonder we face a painful and unbidden task in which the masses are not on our side.

Murder and rape, often never established because the alleged perpetrator—sometimes his whole family—is annihilated, are the main reasons given for the act of lynching. Among the reasons for the killing of Negroes some are the same which led 500 years ago to the burning of witches: voodooism, the poisoning of wells,¹³⁵ unpopularity, introducing smallpox,¹³⁶ conjuring, poisoning of horses and other stock.¹³⁷

Most mobs form as a rural week-end crowd invading the small town, or a political demonstration, or a religious procession. In this phase feelings of power, conformity, and irresponsibility are aroused although not yet strong and concentrated enough to burst into violent action. The real or imaginary idea

132. The idea of an inferior race to which legal or moral obligations are not due is a remnant of very old beliefs. "... the *Dasyus*, the aboriginal inhabitants of the land, are contrasted with the *Aryas* as a wicked and godless people, and to them no special duty is recognized." John McKenzie, *Hindu Ethics* (Oxford, Oxford University Press, 1922), p. 9. To quote the laws of Manu (1:91): "One occupation only the Lord prescribed to the *Sudra*, to serve meekly even these other three castes."

133. On this penalty in operation see Cutler, *op. cit.*, pp. 60-72. In ancient Norway, we learn, thieves were tarred and feathered before being stoned, being thus transformed into a sacrificial animal. The punishment goes back into the remote periods of human sacrifice. Rudolf His, *Geschichte des deutschen Strafrechts bis zur Karolina* (Munich and Berlin, 1928), p. 56.

On the punitive habit of ducking, applied to women, see Hans von Hentig, "The Pillory: A Medieval Punishment," *Rocky Mountain Law Review*, 1939, p. 186.

134. The Negroes themselves are not exempt from lynch methods. A colored man was lynched in Johnston County, N. C. in 1908 by other Negroes "for giving poor entertainment." Raper, *op. cit.*, p. 37. It may be recalled here that pelting with rotten eggs, tomatoes, and other objects is symbolic "lynching" by the dissatisfied public.

135. Well-known accusation preceding the persecution of Jews during the Middle Ages.

136. Reason given for lynching thousands of Jews during the epidemic of the Black Death.

137. Cutler, *op. cit.*, p. 167.

of self-defense is an irresistible stimulus. Old and dormant antagonisms flare up under the impact of these factors like tinder touched off by a spark. A Polish peasant gives this description of a pogrom in 1906:¹³⁸

. . . on Corpus Christi day in Bialystok there was a pogrom of the Jews. Two processions walked around the city, one ours, the other [Greek] orthodox. Some persons began to fire from a house with revolvers on the orthodox procession.¹³⁹ Panic arose among the people, but it is said that nobody was killed by these shots. The army was called and fired at the windows; . . . Other robbers rushed to Jewish shops; they broke and stole whatever they could and killed Jews. About 600 Jews were killed and many wounded. Along some streets all the shops were ruined.¹⁴⁰

There was tension apparently between Catholics and Orthodox people. There was common hatred of the Jews. When shots were fired at the Orthodox and the army continued firing at the windows, the currents of excitement flowed together and both groups gave vent to their emotions in the direction of least resistance: the Jews. There was a crime wave as an aftereffect of the lost war of 1905, and revolutionary unrest and even heretical movements in the Polish Catholic Church. The pogrom was one of the symptoms of social disintegration.

With some oscillations, lynchings are on the decline in the United States. There were 4,709 lynchings in the country during the period 1900-44. (See table, p. 222.)

Sporadic cases of lynchings appeared in Italy and France in 1944. There is such a thing also as indirect lynching, and such cases seem to be on the increase. The defendant is not taken from jail and hanged, but the prosecutor and the court, fearful of unrest, promise prompt and energetic punishment and ask the mob to rely on the speedy course of justice. The case is then

138. Thomas and Znaniiecki, *The Polish Peasant*, p. 340.

139. "It is known that these shots were a provocation from Russian hooligans, preparatory to the *pogrom*." *Ibid*.

140. *Idem*, pp. 336-337. "At present there are terrible thefts and robberies in our country. Highwaymen attack people on the roads and rob them, and in towns robbers come to houses, kill or threaten with revolvers, take whatever they can and usually disappear without any trace." Great unemployment had preceded.

rushed through, sentence passed, and hanging executed. It is morally impossible, under such pressure, to consider a case in unbiased fashion and come to an acquittal, or to transfer to an insane asylum, or to commute a death sentence by an act of clemency.

Average Lynchings Per Year by
Ten- and Five-year Periods¹⁴¹
1900-44

1900-09	92.5
1910-19	61.9
1920-24	46.2
1925-29	16.8
1930-34	17.0
1935-39	9.0
1940-44	3.9

Pilate declared, "I find no fault in this man." But the mob "cried out all at once" and demanded, "Crucify him, crucify him." Then Pilate weakened and "gave sentence that it should be as they required."¹⁴² By forcing the issue the mob committed a clear case of indirect lynching.

6. Execution Mobs

The public executions of former periods illustrate the biology of the killing mob better than modern collective atrocities, because executions were officially acknowledged, legal, and unsecret occurrences and many detailed and exact descriptions have therefore come down to us. Two phases of behavior may be observed. There was, first, the usual crowd—selective in many ways, of course, since only those gathered who were attracted by the bloody scene, but passive, bent on viewing and relishing the bloody transaction merely visually, without motor participation. When the execution was over, satisfied and its blood-thirstiness appeased, as it seemed, the crowd dispersed.

141. Figures 1900-34 from Wood and Waite, *op. cit.*, p. 145; 1930-44 information from the late Prof. E. B. Reuter. The war effect is visible.

142. Luke 23: 4, 18, 21, 24.

Sometimes, however—in fact, quite often—the execution went wrong.¹⁴³ In a strange blend of cruelty and compassion,¹⁴⁴ the antisocial urge hiding behind a clearly social emotion split off a smaller mob from the witnessing crowd. This mob from being spectators suddenly turned into actors. The unskillful executioner was attacked, mostly with stones—the oldest weapon of lynching crowds¹⁴⁵—and had to be rescued by the guard, who in their turn became the object of violent hostility. In that quiet spectator crowd had been a latent mob, its murderous impulses waiting for the slightest justification to enter into action.

Although the story belongs more to the realm of popular belief than exact history, another reaction of the execution mob may be mentioned. On one occasion when a murderer was pardoned at the very last moment, being insane, the crowd is said to have trampled to bits a white poodle which had been roaming around the scaffold throughout the day. The blood-thirsty tension of a section of the crowd was thus turned into action, killing the dog to unburden its lust for murder.¹⁴⁶

7. *The Underworld*

The term “underworld” is more literary and fictional than scientific. It presupposes a well-defined association of human beings living, so to say, in subterranean caves and hideouts under the surface over which law-abiding society extends. The underworld is clearly partitioned off from the upper world. In the criminography of the nineteenth century, the underworld was confused with the “dangerous classes”; they lived in cellars, wore rags, had hollow cheeks and did not believe in God. They

143. Cases mentioned in Keller, *Maister Franntzn Schmidts Nachrichters inn Nürnberg all sein Richten*, p. vii; *Zeitschrift für Kulturgeschichte*, II (1857), 705; also Angstmann, *op. cit.*, p. 109.

144. It is the same activating mixture of incentives we meet in modern lynchings where the factors of “self-defense,” “protection of womanhood,” and keeping the Negro in his place are added to the mere bloodthirstiness.

145. Some scholars trace the regular Jewish penalty of stoning back to “vestiges of a punishment called the ‘rebel’s beating,’ inflicted by the mob with fists, staves, or stones, in the excitement of the moment.” “Stoning,” *Popular and Critical Bible Encyclopaedia*, ed. Fallows (Chicago, 1906), II, 1616.

146. Angstmann, *op. cit.*, p. 109. In the same vein there is a saying that the executioner when a culprit under sentence of death is pardoned, “must tear a black hen to pieces because he is bent on seeing blood.” *Idem*, p. 110.

were always foreigners. These were in hiding or in flight because the police, knowing every one of them, kept a firm hand over them.

Our knowledge of what might be called the underworld, which I shall attempt immediately to define, is limited. The quantitative aspect is unknown, although hiding has been replaced by other defensive methods: the fix, and that open mode of life which is the professional criminal's exploitation of the widespread social superstition that the criminal is ill-clad, ill-bred, and ill-favored. The underworld no longer dwells in flophouses and under bridges. It has good manners, the best of clothes, a powerful car, and a substantial bank account. All these paraphernalia are simple requisites of a successful mimicry and greater safety. Actual hiding is the most unsafe of protective weapons. Money, political pull, knowledge of compromising details and improved legal provisions are a far better technique, and only if these methods fail is hiding resorted to, together with a helpful crossing of frontiers. The phrase "lying low" indicates that keeping out of sight of detectives and informers is achieved rather by using the services of a professional concealer than by interposing distance. The slum would be the worst hide-out, the least safe place to go.

The so-called underworld differs from all other social groupings in the lack of such formative elements as proximity, cohesion, conformity. All this may be found in the working groups of professional criminals called gangs, mobs, or troops. But the "underworld" covers professional crime in its imaginary totality. Although competitive alignments are avoided¹⁴⁷ this is not done in a common spirit of coöperation. There are common ideals and purposes, but they are purely negative.

All attitudes of the underworld center around one dominating point: the antagonism to society. This fundamental idea of an incessant struggle against a common enemy, a common obstacle, forms an invisible association, and this antisocial community, strangely enough, develops and maintains powerful controls—social controls. A war is on. All criminal activity is carried on in face of a dangerous opponent: organized society. Therefore the "standardized modes of response" of the

147. Sutherland, *Professional Thief*, p. 9.

underworld, "the professional criminal's desire for recognition," the underworld's "ethical values"¹⁴⁸ and group opinion are all defensively focused against a common enemy. Rather loosely knit as far as aggressive purposes go, the underworld submits to the sternest of social controls when the menace and the counteraction of the greater collective controls is imminent.

Professional criminal activity must resort to self-policing processes if it wants to survive in the struggle against informers, detectives, district attorneys, and courts. A code is set up and adhered to. In a way it is quite correct when a criminal writes, "Codes of ethics are much more binding among thieves than among legitimate commercial firms."¹⁴⁹ They have to be.

Squawking or informing is the mortal sin in the code of the underworld.¹⁵⁰ There are many other rules and understandings,¹⁵¹ and whoever sticks to them firmly is "right" in the prisoner's lingo.¹⁵² The public opinion of the underworld has crystallized its hostile emotions around terms like "fink" or "rat" and others. Every move of the professional criminal depends on group opinion; it has its deadly weapons, more painful than blackjacks or bullets. "The worst penalty is to keep him broke. This is done by spreading the news that he has squawked, which makes it impossible for him to get into any mob. That is the greatest disgrace and the greatest hardship that can befall a thief."¹⁵³

What we do not quite understand is the coexistence of two sets of morality. One is rejected, the other accepted. As in war, the moral world is split into two parts; the same virtues and qualities undergo a different evaluation according to the camp in which they are found. A criminal has expressed the contrast very ably thus, "The criminal's code is based upon the same fundamentals as the social code: protection of life and prop-

148. Frank H. Hankins, *An Introduction to the Study of Society* (New York, The Macmillan Company, 1935), pp. 387-388.

149. Sutherland, *op. cit.*, p. 9.

150. *Idem*, p. 10, n. 3. We know that not to "squawk" is the first command in boys' groups and gangs.

151. *Idem*, p. 35. On "burning" of partners see p. 37.

152. See the nonsquawking tabu in operation when two co-prisoners kidnapped a pet cat of another convict and held it for \$10 ransom. Clemmer, *op. cit.*, p. 158.

153. Sutherland, *op. cit.*, p. 11.

erty. Though the underworld code recognizes no obligation to the upperworld, within the limits of its own world it is absolutely inexorable."¹⁵⁴

The same criminal points out a conflict of utmost interest and gravity. The moral obligations and ties acquired in criminal life follow the prisoner when he tries to mend his ways. There is deep tragedy in the remark, "My most difficult problem has been to survive in the upperworld and pay the underworld debt that has been accumulated in twenty-five years."¹⁵⁵ That gratitude, helpfulness, and compassion may drag a man again into crime is one of the odd contradictions of group life.

There is a social scale in each group, and the underworld is no exception. It offers the juvenile ambition, recognition, promotion, rise in rank according to his achievement. This is criminal achievement, of course. The social gradation does not quite coincide with our ideas and rules on the gravity of crime. A daring escape or a spectacular crime qualifies for leadership.¹⁵⁶ It may add to your fame that your brother has been executed.¹⁵⁷ Sex crimes or a killing for passion keep you low in the social order, even outside of it. Authors of this type of crime are regarded as suckers of warped disposition, as are the drug addicts; they have no place in the hierarchy of the underworld.

We behold a peculiar battle of motivations. While the law increases the counterpressure by extending the length of a term according to the seriousness of the crime, this very gravity operates as a powerful incentive in many criminals, who aspire to the admiration of their only authoritative public, the underworld. The Jack-Roller has only one regret: The fact that he is only a petty thief.¹⁵⁸

So I listened with open ears to what was said in these groups of prisoners. Often I stood awe-struck as tales of adventure in crime were related . . . Somehow I wanted to go out and do the same thing myself. To myself I thought I was somebody to be doing a year in Pontiac, but in these groups of older prisoners I felt ashamed because I couldn't tell tales of daring exploits about my

154. Jack Black, *A Burglar Looks at Laws and Codes* (New York, Harper & Bros., 1930), p. 306. 155. *Ibid.* 156. Clemmer, *op. cit.*, p. 139.

157. "O'Brien was one big hero in the place. He had done a lot of time and was in for big stuff and besides, everybody had read about his brother, Smiling Jack O'Brien, being hung for 'picking off a copper.'" Shaw, *The Jack-Roller*, p. 109. 158. *Idem*, p. 108.

crimes. I hadn't done anything of consequence. I compared myself with the older crooks and saw how little and insignificant I was in a criminal line.

The boy feels deeply humiliated,¹⁵⁹ and resolves never to be a petty thief again. "But I thought, I'm young and I've time to show my stuff, and I'll do it sometime."¹⁶⁰ The social order of the underworld induces not a few immature minds to commit crimes, for the sake of the crime but of the recognition.

Groups are said to be "fundamental in forming the social nature and ideals of the individual."¹⁶¹ We like to forget that group ideals may be in conflict with the general code of ethics. The problem has been clearly formulated by Mark Benny: "From my very first years I adapted myself whole-heartedly to the community I lived in, accepting its values, obeying its imperatives, observing its customs. Submissiveness could go no further."¹⁶²

The underworld is merely the crassest instance of groups which develop real values, imperatives, and primary ideals as means of acquiring cohesion and vitality. The revolutionary party and religious sect are other groups demanding a high degree of conformity and orthodoxy in their own code, as opposed to heresy and nonconformity. They all borrow the social technique from their enemies. That antisocial or dissenting groups adhering to a rigid code are temporarily more dangerous, but would probably respond better to an adequately prepared and facilitated transfer of their loyalties to other ideas and modes of life, seems certain. There is still much room for experimentation with the code-sensitive type of criminal. If we could succeed in focusing his urge for recognition and self-assertion in group life, and even for discipline, on other ideals, that "reformation" would sometimes be achieved which is a rare occurrence in adults.¹⁶³

159. "Even the guards have contempt for the petty thief." *Idem*, p. 109.

160. *Idem*, p. 110.

161. C. H. Cooley, *Social Organization* (New York, Charles Scribner's Sons, 1924), p. 23.

162. *Low Company*, p. 9. "But, unfortunately or otherwise, the community I was born into was a small one at variance with the larger community containing it. In obeying the laws of the criminal quarter I incurred the disapproval of the law-courts." *Idem*, p. 10.

163. The fact that a member of the underworld holds many dangerous secrets makes the rule of the code outlast membership in the group; exit from it is therefore difficult.

CHAPTER VII

Crises of Transition: I. Micro-migrations

1. The Rural and the Urban World

A word of explanation is required as to why, contrary to custom, rural and urban delinquency are here classified among the adaptive disorders which result from changes of habitat. Stationary conditions are certainly operative in one section of the field: in rural crime. The main problem for all practical purposes, however, is urban crime, and the pedagogical note may be added that situations which in rural life may be regarded as fairly static grow more distinct and demonstrable when they begin to move and to change.

The perplexities of the problem test the critical faculties to the utmost. Textbooks are alive with hasty conclusions. Raw and incomplete statistical material is accepted at its face value while the variety of sociological, psychological, and demographic elements involved is slighted. It is easier to face the issue in European countries than in the United States where immigration and race questions introduce new complications. We shall see that millions of immigrants are plunged unaware into a double crisis: the change of continents and the transition from rural to urban life. That their adaptive capacities are often overtaxed should not surprise anyone.

Statisticians do not find it hard to parcel out the world into rural and urban areas. They decree that "the urban area is made up for the most part of cities and other incorporated places having 2,500 inhabitants or more . . ." ¹ The rest is rural population, divided again into farm population ² and rural nonfarm population. ³ The official definition of terms in-

1. U. S. Bureau of the Census, *Population*, U. S. Summary, 16th Census, 1940, Second Series (Washington, 1943), p. 2.

2. "The farm population . . . comprises all persons living on farms, without regard to occupation." *Ibid.*

3. In some states it may consist of small manufacturing villages, in others of mining settlements or small trading centers. *Ibid.*

dicates clearly that the numerical magnitudes embrace the greatest sociological variations.

The geographical-numerical concept disregards all economic, social, and cultural connotations. Albeit our statistics report degrees of urbanization, there is no subdivision of rural areas;⁴ the element of population density is omitted.⁵ Walter F. Willcox is on the way to refining the rural-urban problem when he proposes the following distinction:⁶

The country includes all districts in which the density of population per square mile is less than 100 and in which presumably agriculture is almost the only occupation.

The villages [semi-urban areas] include all districts in which the density of population per square mile ranges from 100 to 1000, and in which agriculture and other occupations co-exist but with a diminishing importance of agriculture until, at the higher limit, it disappears.

The cities include all districts in which the density of population per square mile is more than 1000. . . .

Between rural and urban areas as defined by our statistics, and between rural and urban life as recognized by sociology, there are intermediary zones and regular as well as irregular fluctua-

4. The German statistics include subdivisions:

Germany, 1933

Rural population (2,000 inhabitants and less)	32.97
less than 100 inhabitants	0.39
100 to 499	11.88
500 to 999	11.18
1,000 to 1,999	9.52
Urban population (2,000 inhabitants and more)	67.03
	100.00

Willi Gierlichs, "Stadt und Land," *Handwörterbuch der Kriminologie*, II, 654.

5. In the chapter entitled "A Redefinition of 'City' in Terms of Density of Population" in *The Urban Community*, ed. E. W. Burgess (Chicago, University of Chicago Press, 1926), p. 166, Willcox mentions this instance: "In 1920 Tompkins County, New York, contained two places which might be regarded as cities. One of them, Ithaca, having about 17,000 inhabitants, was included in the city tables of the census; the other, Groton, having somewhat less than 2,500 inhabitants, was classified with the country districts. Yet as the former included more than seven times as much area as the latter the density of population in Groton was somewhat greater than in Ithaca" (p. 116).

6. *Idem*, p. 119.

tions. There is a control-free city fringe where commercialized vice has settled along the great arteries of traffic and just outside the city limits.⁷ There are residential rural colonies⁸ and urbanized rural communities having less than 2,500 residents, crowded with tourists and pleasure seekers. Rural people, on the other hand, on week ends crowd into the larger cities, filling them by the thousands for stock shows and rodeos—escáping for a night or a few days into their protective anonymity. More than anything else the motorcar obliterates borderlines of rural and urban modes of life as between rural and urban areas.

In addition to these movements there are mass migrations from rural to urban areas and back to the country. Boom and depression are the main forces, and modern war does not fail to prove its boom character. On November 6, 1944, the Department of Agriculture reported that from January, 1940, to January, 1944, 4,748,000 persons had left the farms. Actually, 1,650,000 had been drafted, 4,660,000 had moved away from the farms, and 1,562,000 had been gained in the farm population through the excess of births over deaths.⁹ The loss of adult farm people was thus greater than the figures indicate; it can be estimated that 20% of the adult farm population of 1940 went to urban areas.

Booms draw rural people to cities; depressions draw them again to the shelter of country life. Elliott and Merrill have quoted the following figures from statistics of the Department of Agriculture:¹⁰

7. Walter Reckless, "The Distribution of Commercialized Vice in the City: A Sociologic Analysis," in *idem*, p. 193.

8. Checking the movements of more than 2,000 of the more prosperous citizens of Detroit, the area of residence was found to be constantly moving beyond the city limits:

Residential Distribution of Detroit's
Substantial Families, 1910-30

Year	Business Center to Grand Boulevard	Beyond City Limits
1910	51.8	9.7
1920	20.3	22.5
1930	7.5	50.0

Figures from Thomas M. Pryor as quoted by R. D. McKenzie in *The Metropolitan Community* (New York, McGraw-Hill Book Company, 1933), p. 184.

9. *New York Times*, Nov. 7, 1944.

10. Mabel A. Elliott and Frances E. Merrill, *Social Disorganization* (New York, Harper & Bros., 1941), p. 838.

	<i>Net Movement of Population from Farm to City</i>	<i>Net Movement of Population from City to Farm</i>
1920	336,000	—
1921	564,000	—
1922	1,137,000	—
1923	807,000	—
1924	487,000	—
1925	702,000	—
1926	907,000	—
1927	457,000	—
1928	422,000	—
1929	477,000	—
1930	212,000	—
1931	20,000	—
1932	—	266,000
1933	281,000	—
1934	351,000	—
1935	386,000	—

Of the 1,100,000 farm people who left the farms in 1922 for the cities, those who committed offenses were registered as urban delinquents, although they were farmers who had just arrived in the city. It is manifest that the geographical distinction is a rough and unreliable method of indicating tendencies of the rural or urban individual.

New difficulties make their appearance when we set out to establish causative relations between rural or urban life and delinquency. One mode of investigation is to study crime according to the place in which it is committed. This *Tatort-Kriminalität* is the system used in the United States, England, and Germany. Sheriffs and other rural police officers report to the Federal Bureau of Investigation only such crimes as have happened in their counties or communities.¹¹ Whether the perpetrator was resident of the rural area, a city dweller or a foreigner does not matter.

French criminal statistics consider the place where a delin-

11. "Offenses known . . . as reported by sheriffs, rural village officers and state police organizations." *Uniform Crime Reports, 1946*, p. 110.

quent has had his residence;¹² von Mayr favored this basis. Danish statistics center on the place of birth.¹³ I agree with von Mayr in theory; the statistical operation, of course, is much easier if the simple criterion of commitment is selected.

As things now stand, country people who come to a world exposition may swell the figures of urban crime. Tourists in national parks and mountain resorts, although coming from New York or Chicago, may be guilty of rural offenses, as may the burglars who have their hang-outs in Kansas City but rob week-end houses in Missouri or boathouses in Wisconsin or Minnesota. The use of the automobile has increased this source of inaccuracy, which tends to bear more heavily on the figures of "rural" crime than in the opposite direction, although it may often be mere chance whether the miner or farmer goes for his week-end spree into a town of 2,500 or 3,000 inhabitants.¹⁴

Whatever may happen in rural or urban areas must be registered before it reaches the statistics-compiling bureaus. Many factors are implied in this long process. There is, first, the willingness of the population to report crimes and prosecute the offender, whoever this may be. Before the victim knocks at the door of the police station or the district attorney's office, pressure is sometimes exercised, either directly by the perpetrator and his friends or through doubts in the mind of the victim as to whether it is practical to incur the enmity of the offender, his clan, and whatever forces he may be able to mobilize for revenge and a possible counterstroke. One remembers that this consideration is paramount in the attitudes of the gangster and his predilection for silence and direct action. The police, furthermore, sift complaints and information; they not only have selective standards in the matter of arrests, but there can be no doubt that statistical reports are sometimes manipulated, as seen by the tremendous, quite improbable oscillations in some types of crime reported.

12. Georg von Mayr, *Statistik und Gesellschaftslehre*, III, *Moralstatistik* (Tubingen, 1917), p. 713.

13. Hans Hermann Burchardt, "Stadt und Land," *Handwörterbuch der Kriminologie*, II, 663

14. Much depends on the selection of offenses reported. The list is limited in the *Uniform Crime Reports, 1946* (p. 110), and includes eight crimes, among them manslaughter by negligence and auto theft, omitting a variety of serious offenses.

The question is whether reluctance to inform and prosecute is more likely to be found in the city or the country dweller. And the answer is that the rural communities quite obviously do not encourage offensive moves against a neighbor. It is a common experience to read letters imploring the parole boards or the governor not to pardon or parole a criminal because the members of a small or rural community are afraid of his return. Rural life is full of mutual secrets; this fear is a powerful check to the criminal prosecution if it can be avoided.

The sheriff in small counties is an elective officer; except in cases involving grave crime, strangers, or a minority race, he will proceed cautiously. Even the *Uniform Crime Reports* speak of the incompleteness of the data,¹⁵ and when Minnesota studied her rural crime figures, rather serious shortcomings were established.¹⁶ Rural crime is, therefore, much larger than crime figures indicate. The observation applies also, of course, to urban police, but the relative extent of this category which embraces the "unknown criminal" is greater under rural than city conditions.

The studies on rural crime do not take into consideration the legal-technical point that many offenses either cannot be committed in the rural world or must necessarily be quite rare. Murder, assault, and sex crimes can and do occur. It is different with the most frequent offenses: larceny and burglary. Stealing from the person or from automobiles requires a population of high density; embezzlement and forgery demand a complicated economic organization or technical skill. Among the burglaries the main group, "burglary from stores," is inhibited in rural communities by the sparseness of stores and

15. "In connection with the rural crime data, it may be noted that some of the reports listing rural crimes indicate that they possibly were limited to instances in which arrests were made. Such incompleteness would tend to decrease the proportion of property crimes and to increase the percentage of rural crimes against the person, inasmuch as property crimes are less frequently followed by arrests than are the more serious crimes against the person." *Uniform Crime Reports, 1942*, pp. 80-81. See *Ibid.*, 1946, p. 111.

16. When the statistician of the Minnesota State Bureau of Criminal Apprehension tried through field trips and other checks to gain an accurate picture of all offenses known to the police in 1938 alone, "this extra rural supplement added 648 'holdups' and 15,187 larcenies to the total otherwise regularly reported to the Federal Bureau of Investigation," George B. Vold, *Crime in City and Country Areas*, *Annals of the American Academy of Political and Social Science*, Sept., 1941, p. 40.

the fact that rural store and dwelling place coincide. The store is therefore guarded.

The largest group of all arrests as reported by the *Uniform Crime Reports* is drunkenness, followed by suspicion, vagrancy, and disorderly conduct. The sheriff will rarely make an arrest for such reasons; he cannot arrest for suspicion alone.

Looking at New York arrest figures we meet such items as unnecessary noise, expectorating in public places, entering a play street, unmuzzled dogs, copyright law violations, larceny from piers, and ash cans filled within four inches of top. Rural surroundings do not know this sort of delinquency. There are, finally, hundreds of thousands of arrests for parking violations and night parking; in most cases acts which in rural conditions are not offenses at all. There is no ebb and flow of rushing masses in the rural world, producing traffic hazards and the danger of legal offense. Sorokin and Zimmerman have quoted statistics on the changing day-and-night population of the City of London. "The population which works regularly in the city and which does not embrace the casual persons who enter its area for various other purposes was for 1921, 436,721 in day time. The night population was only 13,709."¹⁷

The tremendous size of this in-and-out rushing crowd demonstrates at the same time why city business places are burglarized at night and deserted dwellings at the city fringe in daytime. The farmhouse combines place of residence and of work, and when the farmer gets on his tractor, his wife, supported by snappish dogs and an inquisitive association of neighbors and neighboring dogs, guards the house. The only time to burglarize a farmhouse is during church service, a festivity near-by, or a funeral.

Since, therefore, many legal rules do not (or only exceptionally) apply to rural life, the criminality of country people must be restricted to certain main crimes which seem to offer short-cut solutions to the farmer's vital problems; they must emerge from his fears and hopes—from the peculiar structure of his physical and mental world.

17. Pitirim Sorokin and Carle C. Zimmerman, *Principles of Rural-Urban Sociology* (New York, Henry Holt & Co., 1929), p. 36.

2. *Statistics of Rural and Urban Crime*

We suffer at the same time from a superabundance of data and from a scarcity of comparable and useful statistics. The figures of Lombroso¹⁸ and Aschaffenburg¹⁹ are antiquated. Burchardt has submitted a large body of material, not too critically selected.²⁰

Hacker has compared the city of Zürich and the canton of Zürich and has made the interesting experiment of shaping density areas.²¹ Konstantin Gardikas has computed the main data of rural and urban criminality in Greece.²² American statements are rather scarce. A recent report from Indiana says that "a rough estimate of the number of adult offenders in Indiana who were reared in rural areas would place the figure at about 25 per cent. The other 75 per cent were either reared in urban areas or spent part of their early life in the country and part in the city."²³

Of 1,494 felons received from the courts into Illinois State Penitentiary in 1940, only 10.2% are reported to have come from communities with less than 2,500 inhabitants.²⁴ In reading these figures we recall the contempt in which the "hoosier" class is held in prison.²⁵ The statements of the prisoner as to where he comes from must be read with this proviso in mind.

All these piles of figures, to which should be added the vast material collected by Sorokin and Zimmerman,²⁶ fail to give us a clear picture of the situation. It is true that in 1923 an attempt was made to compute rural and urban ratios of pris-

18. *Crime, Its Causes and Remedies*, pp. 72-75.

19. *Das Verbrechen und seine Bekämpfung* (Heidelberg, 1906), pp. 68-71.

20. *Kriminalität in Stadt und Land* (Berlin, 1936); "Stadt und Land," in *Handwörterbuch der Kriminologie*, II, 663-675.

21. Ervin Hacker, *Die Kriminalität des Kantons Zürich* (Miskolc, 1939), pp. 99-117.

22. "Die Kriminalität Griechenlands in Stadt und Land," *Monatsschrift für Kriminalpsychologie*, 1935, pp. 345-349.

23. John H. Klinger and Thomas G. Hutton, *Indiana and the Adult Offender* (State of Indiana, 1939), p. 28. A new criterion, "reared in urban areas," may be noted.

24. *Statistical Review of State Prisons and Correctional Schools* (Illinois, 1940), p. 43.

25. To this lowest class belong—among others—the "provincial persons." Clemmer, *The Prison Community*, p. 108.

26. Sorokin and Zimmerman, *op. cit.*, pp. 370 ff.

oners.²⁷ But this compilation was restricted to the commitments of half a year and to the place where the crime occurred. The year selected was especially inopportune; in just the preceding year a tremendous migration of farm population to the city had set in, and when these rural migrants committed a crime, the place where it happened was the city and the prisoner was an "urban" criminal. Prison commitments, furthermore, being the last stage in a long chain of legal moves, cannot represent either rural or urban crime. The formula of reduction is per 100,000 of the general population and this is too crude.

Although some of these objections must apply to his data, George B. Vold's recent paper has carried the problem forward. What Vold presented, however, were "offenses known to the police" and carefully scrutinized rural records.²⁸ The three-year period of his study was not overlong, but a distinct progress. Here, too, rural crime was that committed in communities of 2,500 and under. A point mentioned by Vold and probably in some way affecting the urban crime rate is that 70% of the urban population in Minnesota was to be found in three large cities. It may be said that in such states there is rural, urban, and metropolitan crime.

The standard of reduction "per 100,000 general population" presupposes that rural and urban areas are demographically, biologically, and sociologically identical magnitudes. This is, of course, an incorrect assumption which renders comparisons on this basis unscientific, or at least tentative. But before entering into this crucial question, I shall present and discuss the arrest figures, which are often quoted uncritically. These figures, of course, do not give any quantitative indication but a sort of qualitative hint. From a total falling under the headings of eight serious crimes the *Uniform Crime Reports* provide us with percentages showing their relative share.²⁹ I distinguish here between time of peace and wartime with its tremendous migratory trend.

27. U. S. Bureau of the Census, *The Prisoner's Antecedents* (Washington, 1929), p. 4. The ratio of commitments per 100,000 of the population was

Urban	25.1
Rural	7.6

28. *Op. cit.*, pp. 38-45.

29. Auto theft is generally not a serious crime and is rare in rural areas. The increase in those areas during wartime is noticeable.

Rural-urban Crime, Minnesota³⁰

Three-year Average 1936-38

per 100,000 Population

Offenses Known to the Police

<i>Offenses</i>	<i>Rural</i>	<i>Urban</i>
All offenses	215.8	1,185.9
Murder, nonnegligent manslaughter	1.4	1.4
Manslaughter by negligence	1.1	0.6
Rape, carnal knowledge	3.8	4.0
Robbery	10.0	45.1
Aggravated assault	5.5	11.0
Burglary	64.8	276.8
Larceny	102.6	609.8
\$50 and over	37.3	84.9
Under \$50	65.4	524.8
Auto theft	26.4	237.2

Eight Crimes by Rural and Urban Areas³¹

Total—100

Per Cent per Offense

Average 1936-40 and 1941-42

<i>Offense</i>	<i>Peacetime</i>		<i>Prewar and Wartime</i>	
	<i>Urban</i>	<i>Rural</i>	<i>Urban</i>	<i>Rural</i>
Larceny	56.0	47.6	60.3	48.1
Burglary	22.6	29.0	20.6	25.8
Auto theft	13.1	9.2	11.5	11.7
Robbery	3.8	3.7	3.1	3.3
Aggravated assault	3.1	5.6	3.2	6.3
Rape	0.6	2.4	0.6	2.3
Murder	0.4	1.3	0.4	1.3
Manslaughter	0.4	1.2	0.3	1.2

30. *Idem*, p. 41.31. *Uniform Crime Reports, 1936-40*, pp. 145, 202, 145, 190, and 186, respectively. For 1941, p. 191, and 1942, p. 80. The urban-rural ratios are not given in *Uniform Crime Reports, 1943* (see p. 81). Instead of 1,138 sheriffs reporting, as in 1942, only 985 reported in 1943, but there were 1,626 reporting sheriffs in 1945, 1487 in 1946, and 1639 in 1947, incomplete though many of the data are. *Uniform Crime Reports, 1945*, p. 107, 1946, p. 111, and 1947, p. 106.

These figures do not cast light on the relative magnitude of rural or urban crime; they indicate only interstitial relationships, so to speak, and show that burglary, aggravated assault, rape, murder, and manslaughter assume more space in the selected group of eight serious crimes as far as rural areas go, while urban areas lead heavily in larceny. The robbery and the auto-theft rates have increased during prewar and war times on the rural side; all predominance left on the urban side is at the present moment in larceny.

There are no studies of specific crimes in the United States.³² Brearley, it is true, has presented homicide figures which include murder, manslaughter, and manslaughter by negligence, in addition to all justifiable and excusable killings.³³ It is obvious that traffic accidents leading to a manslaughter charge must be an obscuring factor,³⁴ and that the deficient equipment of coroner and sheriff in rural areas affects the detection problem profoundly. With these reservations we may look at Brearley's homicide figures which are given in the table on page 239.

Below them I have computed the most recent homicide figures.

The figures are much higher in reality in 1941 and 1942, since the population as of 1940 had to be used as a basis for the ratio, and this was heavily drained by the draft of millions of men. The industrial and agricultural boom, on the other hand, reduced a good deal the pressure of economic homicide incen-

32. For European inquiries see Burchardt, *Kriminalität in Stadt und Land*, pp. 105 ff.

33. By a rather serious mistake Brearley's figures are presented by Burchardt (*idem*, p. 133) as murder data.

34. In 318 cities having a total population of 45,000,000 these cases of non-negligent murder, manslaughter, and manslaughter by negligence were known to the police:

	<i>Murder, Manslaughter</i>	<i>Manslaughter by Negligence</i>
Average 1939-41	2,632	1,978
1942	2,673	2,003
1943	2,345	1,796

Uniform Crime Reports, 1942, p. 59; 1943, p. 60. Omitting justifiable and excusable killings, 43% of all "homicides" are cases of manslaughter by negligence.

Urban and Rural Homicide, 1918-27³⁵

<i>Year</i>	<i>Urban</i>	<i>Rural</i>
1918	8.2	4.8
1919	8.8	5.7
1920	8.2	5.4
1921	9.1	7.2
1922	9.1	7.0
1923	9.6	6.4
1924	10.1	6.5
1925	10.5	6.4
1926	10.3	6.8
1927	10.3	6.8

tives. Compared with figures a decade ago, the urban and the rural curves tend to come closer.

Considering the rural handicaps in law enforcement, the rate of manslaughter cases due to traffic, and the urban homicides which must be attributed to gang warfare, it would be incautious to say that murder and manslaughter (nonnegligent) are actually more frequent in the city than in rural areas.

Rural and urban offenders—or should we say, offenders who have committed a crime in a rural or urban place? French data

Homicide, United States³⁶
By Urban and Rural Areas
1938-42
per 100,000 of Each Group

<i>Year</i>	<i>Urban</i>	<i>Rural</i>
1938	7.5	5.5
1939	6.8	6.0
1940	6.6	5.5
1941	6.4	5.5
1942	6.5	5.1
Average: 1938-42	6.7	5.6

35. H. C. Brearley, *Homicide in the United States* (Chapel Hill, N. C., University of North Carolina Press, 1932), p. 152. Registrations of vital statistics. On the sources of error and the psychology and sociology of the death certificate, see *idem*, pp. 12 ff.

36. Computed from *Vital Statistics* (Washington, 1940-44), for the years 1938-42: I, 459; II, 171, 211, 241, 365.

permit us to check the so-called rural or urban crime by place of residence of the defendant. It is obviously most important to see where the individual comes from who commits a crime; the notion of rural and urban crime will be clarified by the use of these standards.

We have at our disposal only absolute figures, but we know that the rural population of France (as of 1921) embraced about 54% of the total population.

Number of Individuals Convicted by Juries. France, 1921-29
By Place of Residence³⁷

Place of Residence	1921	1922	1923	1924	1925	1926	1927	1928	1929
Urban areas	1,327	1,172	842	716	741	646	590	578	554
Rural areas	711	521	454	458	427	485	462	461	506
Without settled residence	234	187	171	139	165	138	174	160	127

More dwellers of urban areas were convicted by the *courts d'assises*, yet rural figures rise steadily after the postwar boom; the new category of people without fixed abode^{37a} decides the matter for or against country or city. This again means that the date of the census plays a prominent role; when it is taken in winter, more individuals without fixed residence will be found in town; when the data are registered in summer they will roam the rural areas and add their weight to so-called rural crime.

The element of mobility is thus a disturbing factor of utmost gravity. In making a study of crime and criminals in the State of Colorado the writer found that less than one fourth of the convicts admitted at the state prison in Canon City had been born in Colorado. There was no question in this case of country and city, of course. But it is evident that fluctuations of this magnitude involve not only the various states but city and country as well. The following partial table deserves our attention:

37. Quoted by Burchardt, *op. cit.*, p. 64.

37a. This category should be introduced in our statistics.

State Prison of Canon City, Colorado³⁸
Prisoners Received, 1929-38
By State of Nativity

	<i>Per Cent</i>
Colorado	23.8
Missouri	8.8
New Mexico	7.0
Kansas	7.1
Illinois	5.2
Iowa	3.8
Nebraska	4.7
Texas	4.9
Oklahoma	5.0
New York	2.4

The sugar beet fields attract each year an army of seasonal Mexican workers; they are not to be found in population figures—in summer they are “rural,” in winter “urban” delinquents. Even if they return to their homeland they stop in Denver or Pueblo to have a good time, and this brief farewell spree urbanizes them for the purposes of crime statistics, maybe for the duration of a few days. How can we seriously speak of rural or urban crime when the temporary place of the crime is the only indicator?

Since insanity and suicide are linked to some forms of crime it is proper to see whether our problem can be elucidated from this angle. The last official insanity statistics referring to environment were published in 1935 and cover the year 1933. In these statistics the residence of the patient prior to admission was chosen as the point of departure, and the admission ratio per 100,000 in the United States for 1933 was³⁹

Urban	68.3
Rural	34.6

The predominance of patients from urban residences is not found in all states: Idaho and Wyoming have more rural than urban admissions.

38. Hans von Hentig, “Colorado Crime Survey, 1941” (unpublished), I, 258.
39. *Patients . . . 1933*, p. 46.

When we consider the type of psychosis we see that four groups are outstanding in urban areas: paralysis, alcoholism, dementia praecox, and psychopathy. The mentally deficient and pellagra patients with grave mental disorders are more frequent in farm regions.⁴⁰ Paranoiacs and individuals suffering from paranoid conditions, too, appear to seek the protective anonymity of the city; this observation applies especially to paranoid females.⁴¹

Paralysis, arteriosclerosis, and alcoholism may be regarded mostly as city effects; psychopaths and schizophrenics are attracted by city life, as are paranoiacs. A question is not out of place here as to what different forces are operative in country or city to keep a mentally ailing person out of an institution or have him confined.⁴² Patients in private institutions—mostly city people—are not considered in the statistics of 1933.

My conclusion is that some psychoses are undoubtedly most frequent in urban areas, but that insanity figures would not differ very much if other conditions, which I shall discuss in a moment, were equal: Among these are age distribution, sex ratio, race, descent, economic conditions, and so forth. Selective migration certainly plays a major role.

In view of the close interrelation between crime and insanity some figures of urban and rural psychoses may be given. The emphasis lies on the city; only the manic-depressive insanity appears to be more of a rural phenomenon.

The high urban admission rate of females suffering from manic-depressive insanity⁴³ is apparently to be attributed to the

40. *Idem*, p. 49.

41.

Paranoia Admissions, 1933
(Per Cent)

	<i>Males</i>	<i>Females</i>
Urban	66	70
Rural	28	25
Unknown	6	5

Computed from figures in *idem*, p. 52.

42. The low rate of senile rural females admitted shows that on the farm old mothers are kept at home as long as possible. The old males are more likely to be placed in an institution.

43. See the admission rate of 1933 by sex and environment, age group 25-34.

Manic-depressive Insanity

	<i>Urban</i>	<i>Rural</i>
Males	61.2	38.8
Females	71.1	28.9

Psychosis and Environment⁴⁴

1933

Per Cent

Males

	<i>Urban</i>	<i>Rural</i>
All admissions	70.4	29.6
Gen. paralysis	81.4	18.6
Alcoholism	81.7	18.3
Dementia praecox	72.4	27.6
Manic-depressive	59.9	40.1

Females

All admissions	74.0	26.0
Dementia praecox	76.0	24.0
Manic-depressive	68.9	31.1

difficulties arising when the psychomotor excitement affects conduct and weakens the moral inhibitions. The same attitudes are taken with less offense in rural surroundings which are full of violent manifestations of fertility and productiveness.

Mortality makes an end to all complexities of delinquency; before the human being dies, however, he goes through shorter or longer stages of ailing, and these conditions are likely to determine his economic status and his conduct. The factor of general mortality cannot, therefore, be completely passed by, and I shall touch upon it briefly here before proceeding to consider one of the socially momentous causes of death: suicide.

The material on urban and rural mortality is contradictory in many European countries;⁴⁵ there is little doubt, however,

Computed from figures, *idem*, p. 53. In 1922, when rural and urban areas had not yet begun to merge, the manic-depressive admission rate on the urban side was still more pronounced. The number of female admissions per 100,000 was:

	<i>Urban</i>	<i>Rural</i>
All clinical groups	67.8	35.5
Manic-depressive	13.3	9.3

Patients . . . 1923, p. 49. The male ratio of manic-depressive admissions is lower (8.6 urban and 7.3 rural) because many urban hypomanic males are regarded as "dynamic" or otherwise full of enterprise.

44. Computed from figures in *Patients* . . . 1933, p. 52.

45. See Sorokin and Zimmerman, *op. cit.*, pp. 183 ff.

that American expectation of life is in favor of rural areas, as seen by these figures from the early 1900's:⁴⁶

Expectation of Life of
the White Population
1900-20

14 large cities	53.3
11 rural states	58.6

Although the colored mortality is eliminated, it must be assumed that the reverse migration of older people from city to country is not without effect on these figures. The so-called "degenerative" diseases increase in cities, while the struggle against germ diseases is waged more successfully in the city than in the country.⁴⁷ Diseases of the heart, the arteries, and other internal organs, as well as cancer and diabetes,⁴⁸ are rising in incidence for the same reason as automobile accidents: it is the wear and tear of new, artificial, and partly detrimental surroundings in which adjustment and equilibrium have not yet been found. It is a grave question whether our successful reduction of the tuberculosis mortality has not created new problems of behavior among the surviving T. B. patients.⁴⁹

Coming to the subject of suicide, one may note that the former material on habitat and suicide is furnished by Sorokin,⁵⁰

46. Thompson and Whelpton, *Population Trends*, p. 242.

47. Deaths are tabulated according to the place of occurrence. The more the hospital facilities of near-by urban communities are used by country people, the more this way of tabulating deaths will burden the city data with rural mortality. It need hardly be said that the different age distribution of urban and rural areas must have its effect upon the death-rate and life-expectation figures.

48. For figures see Thompson and Whelpton, *idem*, p. 254.

49. "In the case of tuberculosis the city rate has been reduced from 216.1 (in 1900-1904) to 81.5 (1926-29), while the rural rate was reduced from 145.4 to 78.8." *Idem*, p. 254. The authors add, "Judging from the situation in Ohio, adjusting for place of residence would decrease the reduction in the urban rate and increase the reduction in the rural rate. . . . The number of persons with tuberculosis who are in sanatoria has increased greatly during the twentieth century, most of the sanatoria being located in rural communities." *Idem*, p. 257.

50. *Op. cit.*, pp. 171 ff.

Frenay,⁵¹ Cavan,⁵² Jacquart,⁵³ and Schmid.⁵⁴ Statistics are based on the place where the body is found. Jacquart noticed that the rural area of Laeken had high suicide figures, while in all other cases the proportion of men engaged in industrial occupations corresponded to the suicide rate. He justly pointed out that the great park around the royal castle of Laeken invites people, if they are bent upon ending their lives, to accomplish the deed there; as Jacquart observes, they are as much urban people as are those from Berlin who go to the parks of Potsdam to commit suicide.⁵⁵ In other cases the bodies are carried away from the place of suicide by the currents of rivers, canals,⁵⁶ or the sea.⁵⁷ Chance determines where they are rescued from their watery graves.

The following suicide figures for the United States, by urban and rural areas, should be read with these qualifications in mind:⁵⁸

Suicide per 100,000 Inhabitants
of Each Group
Urban and Rural 1938-42

	<i>Urban</i>	<i>Rural</i>
1938	16.6	12.9
1939	15.8	12.4
1940	16.3	12.0
1941	14.5	11.0
1942	13.1	11.1

51. A. D. Frenay, *The Suicide Problem in the United States* (Boston, Gorham Press, 1927), pp. 45 ff.

52. *Suicide*. Our data cannot be compared with Miss Cavan's figures because up to 1920 mortality statistics regarded communities of 10,000 and less as rural.

53. Camille Jacquart, *Le Suicide* (Brussels, De Wit, 1908), p. 31.

54. Calvin F. Schmid, *Suicides in Seattle, 1914-1925* (Seattle, University of Washington Press, 1928), pp. 56 ff.

55. Jacquart, *op. cit.*, p. 41.

56. *Ibid.*

57. The institutionalized suicide pact of Japanese lovers who jump into the sea or a traditional volcano tied together by a strong rope would be another instance of pseudorural suicide. *Encyclopaedia of Religion and Ethics*, XII, 37.

58. Computed from figures in *Vital Statistics, 1938* (Washington, 1940), I, 459; 1939 (1941), II, 171; 1940 (1942), II, 211; 1941 (1943), II, 241; 1942 (1944), II, 365.

The boom period decline of suicide in 1941 and 1942 is more pronounced for urban than for rural areas; the urban war plants erased for a couple of years the economic reasons for self-destruction. The industrial breakdown had led to a maximum of suicides in 1933.

According to Cavan's 1919-21 figures,⁵⁹ some states present a lower suicide rate in the rural and up to 10,000 population area than in cities of 10,000-100,000. Some of them—New Jersey and Rhode Island, for example—are old acquaintances from our field trip into rural and urban insanity. Wisconsin and Ohio are newcomers in this line of anomalous conditions. Without entering into the causes of these contradictions, one serious objection must be made against our 1938-42 computations. Our standard of reduction was that Protean magnitude of 100,000 inhabitants. If this yardstick should turn out to contain the most varying demographic cultural and economic elements⁶⁰ our comparisons would be dubious and the conclusions drawn from them at best tentative.

3. The Demography of Rural and Urban Areas

We have seen that most of the statistics available do not inform us as to the number and characteristics of rural or urban offenders,⁶¹ but rather as to offenses which happen to be committed on rural or urban territory. The increasing mobility of modern populations and the mechanization of the world render this criterion more and more dubious and incorrect.

At least as serious are the objections which result from lack

59. Cavan, *op. cit.*, p. 49.

60. Schmid (*op. cit.*, p. 60) demonstrated that two "rural" counties of the State of Washington, Asotin and Jefferson, had suicide ratios of 6.4 and 22.8 per 100,000, respectively; one county was essentially agricultural, the other had lumbering as its principal industry. On the endless shuttling of people in and out of the city of Seattle, see *idem*, pp. 9 ff. The month of October in which the suicide curve reaches its peak in Seattle brings large numbers of loggers, miners, and laborers into the city—rural people committing urban suicides. *Idem*, p. 45.

61. In his study "Rural Criminal Offenders" Clinard proceeded correctly in analyzing 60 Iowa Reformatory inmates who came from areas of open country and places with a population under 50. The limitation of his paper is the small number of cases and a restriction to property offenders. *American Journal of Sociology*, July, 1944-May, 1945, p. 38.

of equality in the demographical basis of all our comparative tables. If it were true that the standard of "100,000 inhabitants" were of the same magnitude in farm areas and metropolitan cities we could let it rest at that. But standing behind the deceptive anonymity of "100,000 inhabitants" are any number of slightly masked, profound diversities of age distribution, sex ratio, descent and racial extraction, marital status, vocation, religion, mortality and morbidity, economic conditions and so forth. "The polymorphous compound, called population, has to be broken down into more elementary and primitive constituents."⁶² Only such a refining process will produce comparable demographic elements.

The rather insignificant discrepancy of 50.2 males to 49.8 females in the total population, which would give a sex ratio of 100.7 males per 100 females,⁶³ is rather distinctly altered when it comes to urban and rural areas.

Sex Ratio of Urban and
Rural Population⁶⁴
1940

<i>Males per 100 Females</i>	
Urban population	95.5
Rural population	107.8

The same situation may be presented in a different way:⁶⁵

<i>Male Population, 1940</i>	
(Per Cent)	
Urban	55.0
Rural	45.0
<i>Female Population, 1940</i>	
Urban	58.0
Rural	42.0

62. Hans von Hentig, "A Statistical Test of Causal Significance," *American Sociological Review*, 1940, p. 930.

63. *Population*, U. S. Summary, 16th Census, 1940, Second Series, p. 3.

64. *Ibid.*

65. Computed from figures *idem*, pp. 16-20.

Or again:⁶⁶

<i>Urban Population, 1940</i>	
Male	48.8
Female	51.2
<i>Rural Population, 1940</i>	
Male	51.1
Female	48.9

The trend toward a feminization of the large city is manifest; the great steel and mining centers, of course, have a surplus of males.

However, crime is not committed by babies and very old people, but by young or middle-aged adults. The sex ratio has sociological meaning only if considered from the angle of certain age groups. Selecting the group 15-44, we arrive at the following table:⁶⁷

By Sex and Environment 1940, Per Cent of All Age Groups		
<i>Environment</i>	<i>Males</i>	<i>Females</i>
Urban	49.9	51.3
Rural—nonfarm	46.8	47.6
Rural—farm	43.5	43.5

The age groups 15-20 are still more numerous in rural areas; at 20 a strong female immigration into the cities sets in, followed by a somewhat lighter influx of males. After 60 there is again a preponderance of rural males,⁶⁸ while the older farm women move to the rural towns to spend the rest of their lives.

The urban surplus of youthful males necessarily accounts for some part of the higher city criminality. It is certainly

66. *Ibid.*

67. Computed from figures in *Population . . . 1940*, pp. 17-20.

68.

Males 60 Years Old and Over 1940, Per Cent of All Age Groups	
Urban	9.9
Rural-farm	11.7

Computed from figures in *ibid.*

partly responsible for the higher dementia praecox rate met in urban areas:

Admissions for Dementia Praecox (Males)
from Rural and Urban Areas
1933
(Per Cent of Admissions, by Age Groups)⁶⁹

<i>Age Group</i>	<i>Urban</i>	<i>Rural</i>
Under 20	71.9	28.1
20-24	70.6	29.4
25-34	72.8	27.2
35-44	76.2	23.8
45-54	70.0	30.0

It can be assumed that an admission is separated from the real beginning of the mental disorder by a couple of years. A good deal of urban crime will be committed in this interval between outbreak and institutional care.

The American population contains one element which by its completely different age structure obliterates somewhat the age conditions common to the bulk of nations. This is the foreign-born sector. It is therefore necessary to isolate this disturbing factor, especially disturbing for the criminologist because the foreign-born population by the very fact of their age have a low crime rate in spite of all difficulties of cultural adjustment. In the conflict of milieu pressure (and often physiological acclimatization) and favorable age constellation, the powerful demographical factor prevails.

Males
Age Group 15-44
By Descent, Race and Environment⁷⁰
1940
(Per Cent)

<i>Environment</i>	<i>Native White</i>	<i>Foreign-born</i>	<i>Negro</i>
Urban	52.3	33.5	52.7
Rural—nonfarm	48.1	26.0	49.3
Rural—farm	44.7	20.3	42.7

69. Computed from figures in *Patients . . . 1933*, p. 53.

Females
Age Group 15-44
By Descent, Race, and Environment
1940
(Per Cent)

<i>Environment</i>	<i>Native White</i>	<i>Foreign-born</i>	<i>Negro</i>
Urban	52.6	36.8	56.7
Rural—nonfarm	48.2	32.0	50.2
Rural—farm	44.1	24.4	44.3

A vital factor in an assessment of the rural-urban crime situation would be a thorough survey of the foreign-born, by descent and present environment.⁷¹ Most immigrants, like the Irish, the Italians, and the Polish, have been predominantly urban; for many years the Germans and Scandinavians, on the other hand, have clung to rural ways of life. The Irish, Italians, and Polish had thus a double crisis of transition to go through: they went from continent to continent and at the same time from farm life to the slums of the big cities.

But many processes were involved. Some of the newer immigrants, Italians and Poles for instance, have been caught in the currents of two great wars. Rejected in ordinary times, they found themselves suddenly wooed by a rapidly expanding war industry. These foreigners then left the shelter of their national groups and "ghettos" and spread through cities all over the country, where expectation and experience of great profits had silenced the old preconceptions.⁷² Their crime rate

70. Computed from figures in *Population . . . 1940*, pp. 17-20.

71. The crude picture for 1940 is this:

Foreign-born by Urban and Rural Areas
and in Total Population, 1940
(Per Cent)

<i>Area</i>	<i>Foreign-born</i>	<i>Total Population</i>
Urban	80.0	56.5
Rural—nonfarm	12.0	20.5
Rural—farm	8.0	22.9

Special Issue of the Bureau of Census, *Population, Country of Birth of the Foreign-born White Population, 1940*, 16th Census, 1940, Series P-10, No. 4, April 7, 1940, p. 1.

72. L. M. Thompson has reported in *Harper's Magazine* ("Men Making Bombers," Dec., 1941-May, 1942, p. 481) on such a war plant:

declined with rising wages but rose as the war boom tapered off.

War has played a still greater role in the urbanization of the colored race. Over a period of 30 years the change was tremendous:

Negroes by Rural and
Urban Areas 1910-40⁷³

<i>Year</i>	<i>Urban</i>	<i>Rural</i>
1910	27.3	72.7
1920	34.0	66.0
1930	43.7	56.3
1940	48.7	51.3

In some of the large Northern cities the colored population "increased tenfold in less than a generation."⁷⁴ Colored people migrating to the cities burdened the urban areas with the high crime figures of the race. New, grave problems of course were added by city life itself.

In view of the high crime rate of the so-called second generation it may not be inopportune to try to break down the native whites into those of native and of foreign or mixed parentage. Data for 1940 are not yet available; we must therefore con-

"When I first went to work [before the war broke out] the factory was hiring for steady employment about two hundred men a day, and figuring on maintaining that rate until the personnel of the plant, which then numbered about forty thousand, was almost doubled. That is a lot of men. They poured into Southern California in great droves, lured by the fine climate and the high wages. Few of them were anxious to be working in a defense plant because it *was* a defense plant; but they loved the wages, and the jobs made some of them immune to the draft."

On the nervous tension in these plants see *idem*, p. 483: "Fights inside and outside the plant were not infrequent." It is easier to be naturalized than to get acclimatized to city and industrial life under the stringent conditions of war time production.

73. The figures for 1910-30 are found in *Negroes in the United States, 1920-1932* (Washington, U. S. Bureau of the Census, 1935), p. 50. The 1940 figures have been computed from *Population, Characteristics of the Population*, U. S. Summary, 16th Census, p. 14.

74. "The Negro population of Detroit increased from ten thousand in 1910 to about 180,000 by 1940; in New York City . . . the colored population increased from 91,000 to about a half million in the same period." Earl Brown, "American Negroes and the War," *Harper's Magazine*, Dec., 1941-May, 1942, p. 548.

tent ourselves with a compilation published by Thompson and Whelpton which goes back to 1930.⁷⁵

Population Distribution in Communities 1,000,000 and
Over and in Rural Areas by Race and Nativity, 1930
(Per Cent)

<i>Race Nativity</i>	<i>Cities 1,000,000 Inhabitants and Over</i>	<i>Rural Areas</i>
Native white of native parentage	28.8	68.1
Native white of foreign or mixed parentage	36.6	12.5
Foreign-born	27.1	4.9
Negroes	6.2	12.4

It is startling to see how strongly the second generation is represented in the metropolitan areas; the rather small number of native white of native parentage in these mammoth cities should be noted. The political machine rests on the foreign-born and their children.

Many other conditions differ widely as between country and city: marital status, the vocational situation, the religious denomination, and the whole realm of economic conditions. Religious belief, again, is not an isolated fact but closely interwoven with descent, race, economic conditions, even with sex and age distribution. Thompson and Whelpton have pointed out the fact that "whites of native parentage in rural districts and small towns are largely Evangelical Protestant while many cities have a large amount, if not a preponderance, of foreign stock of Catholic or Jewish faith."⁷⁶ They are quite right when they add that "all such differences tend to make rural-urban understanding more difficult."⁷⁷

We have thus far confined our attention to the present situation, not stopping to follow the trend of the urban population through the decades. It would be most interesting to inquire into the sudden drop in urban increase as registered by the census of 1940:⁷⁸

^{75.} *Op. cit.*, p. 49.

^{76.} *Idem*, p. 52.

^{77.} *Ibid.*

^{78.} *Population, Characteristics of the Population*, U. S. Summary, 1940, p. 12.

Increase of Population in Urban and
Rural Areas, 1910-40
(Per Cent)

<i>Period</i>	<i>Increase in Urban Population</i>	<i>Increase in Rural Population</i>
1910-20	29.0	3.2
1920-30	27.3	4.4
1930-40	7.9	6.4

The reason for this turn is the cessation of the influx of large masses of immigrants and the reversal of the migratory trend from farm to city, noticed in 1932.⁷⁹ In the decade 1930-40, 45 places were reclassified from urban to rural, while 344 advanced from the rural to the urban level.⁸⁰

4. Country and City as Milieu Factors

The far-reaching demographical differentiation of rural and urban areas would already suffice to explain the contradictory "factual" picture we receive from various investigators and varying territories. The writer stirred up violent discussion pro and con when in 1927 he pointed out figures of Austrian criminal statistics which proved that the crime rate of Vienna jurisdiction was lower than that of some mountainous, superrural provinces.⁸¹ A few years later Harald Hansen came to the same conclusions;⁸² Dutch figures were added;⁸³ Hungarian rural figures came very close to the crime rate of Ofenpest in specific

79. See Elliott and Merrill, *op. cit.*, p. 838. Sorokin and Zimmerman regard this exodus from the city as a symptom of catastrophic periods. *Op. cit.*, p. 44.

80. Census publication, Nov. 15, 1941 (Series P-3, No. 21), p. 3.

81. Von Hentig, "Die soziale Grosstadt und das kriminelle Land," *Monatsschrift für Kriminalpsychologie*, 1927, pp. 440-442.

82. "Österreichische Kriminalstatistik, 1929," *Monatsschrift für Kriminalpsychologie*, 1932, pp. 355-363. The objections of Burchardt (*op. cit.*, p. 81) are rather weak and have not even been taken over by the official Austrian statistics. The crime rate of Vienna was 1,531 per 100,000 *Strafmündige* in 1934; for the province of Ober-Österreich 3,400. *Zahlenmässige Darstellung der Rechtspflege. Kriminalstatistik . . . 1934* (Vienna, 1935), p. 9.

83. Hans von Hentig, "Der kriminelle Aspekt von Stadt und Land," *Monatsschrift für Kriminalpsychologie*, 1932, p. 435.

years;⁸⁴ while in Professor Gardikas' study of urban and rural crime in Greece rural totals were slightly under the population ratio,⁸⁵ but this result was arrived at by reason of one single type of offense which threw its weight into the balance: larceny, frequent in cities and rarer in urban sections. In murder, man-slaughter, rape, and robbery the country outdid the city, while the city prevailed in "other sex offenses," larceny, fraud, and usury. The low rape rate of the cities Gardikas justly explains by the fact that the victims for various reasons can be induced to keep quiet.⁸⁶ The country is the scene of brutal and irreparable forms of rape; the city prefers a shrewder technique of execution and reparation.

The criminal life of Greece brings us to an interesting further point. The highest Greek court, the Areos Pagos, decided in one instance that a certain vulgar expression, used by a mountaineer, did not carry the insulting connotation which a city dweller would attribute to it.⁸⁷ If words have a different meaning in rural and urban areas there must be a deep cleavage between the two worlds. As far as surrounding forces, physical and social, shape and reshape human types, there must be a diversity here in addition to the demographic disparity.

There appears to be some truth in the assertion that peasants were the remnant of subdued and conquered races;⁸⁸ the term slave, German *Sklave*, and the identical word in Scandinavian languages were introduced from Rome and signified an unfree man of Slavic origin.⁸⁹ The first peasants were women and captives of war. The old Teutons despised agricultural work. "Ten times better it seems to the German to challenge the enemy to dangerous and glorious struggle than to till the soil and patiently to wait for the crops. To gain by sweat what can be gained by blood he despises as funkiness and laziness."⁹⁰ The

84. Ervin Hacker, "Ungarische Kriminalstatistik," *Monatsschrift für Kriminalpsychologie*, 1936, p. 281.

85. Konstantin G. Gardikas, "Die Kriminalität Griechenlands in Stadt und Land," *Monatsschrift für Kriminalpsychologie*, 1935, pp. 345-349. The line dividing urban from rural is 10,000 inhabitants.

86. *Idem*, p. 347.

87. *Ibid.*

88. The helots in Sparta are regarded as remnants of pre-Dorian races; note also the situation of the old inhabitants after the Norman conquest in England and of the Negroes in the South.

89. Kluge, *Etymologisches Wörterbuch*, p. 566.

90. Tacitus, *Germania*, Chap. 14.

idea of a lower race which might spoil noble blood was still alive in medieval court rules. The pedigree of the wet nurse of a Spanish infant was carefully investigated. No Jewish or Moorish or peasant's blood was allowed.

One recalls the numerous slang terms denoting a rustic person and an ignoramus, reaching from "apple knockee" to "yap." Is this just the conceit of the metropolitan criminal speaking, or is the mind of the genuine rural person really slower, less mobile, and therefore defenseless in a complex world of fast transitions? Historically we may recall that the term "pagan" is derived from *paganus*, meaning a rural or rustic person, as is also the term "heathen," meaning originally a backwoodsman. Country people apparently clung much longer to the old pagan gods than did the urbanites.⁹¹ Mohammedans seem to have met exactly the same situation, since the word "Kafir" signifies simultaneously the infidel and the "hoosier."⁹² In a certain sense, rural populations if sufficiently isolated may be regarded as "contemporary ancestors." It is their weakness and their tremendous strength. This slow-moving solidity gives them, even in the industrialized modern state, politically and biologically a pivotal position.

Among the great formative elements of the rural mind are the forces of nature: sun, wind, soil, the friendly hiddenness of the woods.⁹³ The peasant braves and exploits these forces in a social organization of his own—primitive, direct, material, and in full view of the controlling persons and units. The physical forces imprint some of their regularity but at the same time some of their fancy and moodiness on the rural mind. The peasant or farmer tries to bridge this uncertainty with religious and superstitious ideas. He feels strongly his physical dependence

91. "The priests can do but little to diminish these two plagues of our villages [arson and murder], which is the strongest proof of the lack of real Christianity in our peasant." Written by a Galician priest for Thomas and Znaniecki, *The Polish Peasant*, p. 1246.

92. The term entered European slang with two different meanings: the German *Kaffer* means "idiot" (Kluge, *op. cit.*, p. 273); in English "kaffir" designates "a prostitute's bully" (John Farmer and W. E. Henley, *A Dictionary of Slang and Colloquial English* [London, 1905], p. 250). It is the same development we notice in our term "villain," from low Latin *villanus*, a farm servant, which evolved in meaning from "farmer" to "rascal." Walter W. Skeat, *An Etymological Dictionary of the English Language* (Oxford, 1897), p. 687.

93. On topography and sex relations among rural youth see the Polish study of Thomas and Znaniecki, *op. cit.*, p. 1232.

on rain and drought, frost and destructive pests, and for all this passive endurance regales himself with an overdose of authority toward family and animals. The surrounding energies of fertility must answer his material purpose.⁹⁴ His attitude toward reproduction must be different from that of the city dweller: it is to him a sober, unromantic, matter-of-fact affair, often premature—an attitude which permits easy solutions and prevents conflicts. How far, in some country girls, the change to city prostitutes has been favored by the rural atmosphere of promiscuity has not been studied.

The real farmer is a fatalist and a realist. Yet he suffers from these attitudes. He both despises and envies people who dare to waste money, to drink, and to gamble. He tries to promote cupidity, one of his strongest urges, by the indirect means of blaming the covetous individual while raising the cupidity of the family group to a virtue so long as it does not interfere with community solidarity.⁹⁵ Cupidity thus is not conceded to the individual as such, but to him as the head of the family. When the peasant grows old and, according to the rural realistic notion, "useless," he abdicates—often unwillingly—from his rights and functions both as individual and as family chief. Conflicts are bound to occur when the deposed old man claims past prerogatives.

Isolation is another criminogenic element. The motorcar and the paved road have made deep inroads upon this monotony, as have telephone and radio, but it is still profoundly operative on the rural mind. This may draw the family closer together when the working day is over. It may strengthen the ties of neighborhood. But isolation in some way makes the bad character worse, removes the sting of competition, and lowers the level of achievement. How great is the pressure of isolated farm life may be seen from the flight of the widowed farmer, and even more the widowed wife of a farmer, to the next larger community, not only for practical reasons but because this double isolation is too much to bear in lonely old age.

The rural solitude—this sparseness of mental stimuli—ac-

94. "The fundamental interest of agriculture, in fact, is in multiplying live seeds, live plants, live animals." Charles J. Galpin, *Rural Life* (New York, Century Company, 1918), p. 20.

95. Thomas and Znaniecki have a good passage on personal cupidity as an antifamily development and an immoral one. *Op. cit.*, pp. 1146-1147.

counts for a hidden readiness to explosive action and a love of noisy and exciting amusements. Election campaigns, stump speakers, revival hours stir him as do court trials, weddings, burials,⁹⁶ crimes and scandals, which interrupt the deadly monotony. Drinking is another way of escaping solitude, and drinking entails the relaxing effect of quarrel and fight. The strange fascination of lawsuits between relatives and neighbors, ruinous and often ridiculous as they are, grants beneficial pauses from the great dull routine.⁹⁷ The solitary is likely to gather in crowds and to fire up in mobs. The peasant releases in brutal mob action many accumulated tensions: endless days of loneliness, bad weather, low farm prices, the sick cattle, his own toothache—all these factors combine and break loose when the multitude stimulates and promises immunity.⁹⁸ It is strange that city-born civilizations speak of such solitary occupations as the doings of a farmer or a shepherd as “natural.” To judge by their aftereffects and by-products, they are not.

Endless family quarrels serve the same relaxing purpose. There is a special type of slowly burning hate in rural conflicts.

96. Thus in an old Massachusetts diary, the entry for April 4, 1806: “I and Ruthy went to the Funeral of Mr. Edgarton. Buryed in Mason order. The day was pleasant. A great collection of People.” Quoted by John Phelan in his *Readings in Rural Sociology* (New York, The Macmillan Company, 1931), p. 2.

97. Thomas and Znaniecki, *op. cit.*, pp. 1140, 1191: “Here everybody sues his neighbor in court for the smallest thing and seeks a settlement there.” Still more characteristic is the following story: “A certain farmer was courting a girl with the help of his swat (matchmaker). In the beginning he succeeded well enough and banns were even published. But later something turned wrong and the whole affair broke down. What did this courting farmer do? Well, he calculated how much all his calls on the girl—for he had more than 2 (Polish) miles to go—and also the banns had cost, and sued the father of the girl for this money . . . The court rejected all the travelling expenses and awarded only two roubles as cost of the banns. Then the father of the girl, unwilling to bear the loss, sued the bridegroom in turn for the cost of all the entertainment. There was not so much of this, so the court awarded only 30 copecs.” *Idem*, pp. 1158–1159.

98. For cases of lynching see *idem*, p. 1220. Popular justice is sometimes preferred to legal procedure because a trial might reveal village secrets. “When the mayor and the clerk . . . came to make an investigation concerning the fire . . . and began to inquire about evil people, thieves, incendiaries, the inhabitants answered that there was no thief among them. When the authorities left, people said: ‘There is no question but we must bring the thieves to order.’” The report concludes with the words, “In this affair the whole village took part and takes the guilt upon itself as a whole.” *Idem*, pp. 1222–1223.

Ideas never chascd away by new strong impressions become fixed; the more fixed they grow, the more justified they seem.⁹⁹ The peasants' own judgment is made supreme; like the lynch-mob they intend redress, not lawlessness.¹⁰⁰ The inhibitive element of dishonor or general disapprobation is missing.¹⁰¹

Finally, it is obvious that city people are mostly rural individuals attracted by a selective process. Some of these migrants are forced to go, as are the younger sons, illegitimate children, orphans, step and foster children, men with police records; those unpopular in the community, or others temporarily admitted to asylums. Some prefer to go; those who seek adventure and thrill, chances and opportunities, hiding and anonymity—or special companions, as the sex perverts and drug addicts. It is a motley stream of vitality and degeneration. All seek their promised land. Some, as statistics demonstrate, return when aging to the monotony of country life, which at least is not a promise merely, but a solid average reality.

99. "There is reason to believe . . . that instead of passing the time in deep thought the farmer does a great deal of ineffective 'wool-gathering' which lessens his powers of concentration and continued thought rather than increases it." Paul L. Vogt, *Introduction to Rural Sociology* (New York, D. Appleton & Co., 1917), p. 187.

100. "Arson is for the peasant something quite natural, is a self-redress. . . ." It follows "the loss of a law-suit, the seduction of a woman, etc." Information of a Galician priest, Thomas and Znaniecki, *op. cit.*, II, 1245.

101. This is one reason why rural fires are a difficult problem of investigation. Of the known arson offenses in New York State in 1940, 41.2% were unsolved. See Richard C. Steinmetz, "Is Arson under Control?" *Journal of American Insurance*, May, 1942, p. 27.

CHAPTER VIII

Crises of Transition: II. Macro-migrations

1. Migration—a Weapon of Survival

WHENEVER the situation becomes unbearable—in a family group, in an industrial plant, on a farm—the man or the woman says: I'm quitting. This move is already a miniature migration. Human beings, like animals, resort to a change of habitat as one of the great corrective and restorative mechanisms of life. Any situation which has been shorn of these means of escape—military service, prison, matrimony in certain circumstances, becomes extremely tense because the most rational form of solution is missing.

If migration has always been the last expedient of escape from danger we may ask, What have been, in the main, the conditions escaped from? Animals migrate to reach better feeding and breeding grounds. Primitive tribes try to flee epidemic death by migration. Want has always been the father to migration. But man does not live by bread alone. Religious and political or social oppression has driven millions to freer countries, in the same hemisphere or overseas. The whole problem is momentous for this country because the population of the United States has been built up mainly by migratory waves.

When famine strikes a nation, as happened in Ireland in 1846, a selective trend may split the population in three parts: in that case a section of it died,¹ another section made the effort to save its life by migration, though with a considerable mor-

1. "How many victims succumbed to famine, and to disease and fever following in its train, it is impossible to learn from any known evidence; but they must have numbered thousands, nay ten thousands. Enclosed spaces near Skibbereen and near other towns, mark the sepulchres of hundreds who perished; more significant still were the solitudes where the population literally melted away." William O'Connor Morris, *Ireland, 1796-1898* (London, 1898), p. 155. "Between 1846 and 1851 nearly a million persons died, and between 1841 and 1851 the number of persons who left permanently was 1,640,000." G. Locker Lampson, *A Consideration of the State of Ireland in the Nineteenth Century* (London, 1907), p. 275.

tality on the way to the United States or Canada.² A third section stayed at home and after a few years reaped the benefit of other people's dying and migrating, in the shape of a stabilized economy.³ Assuming theoretically the same economic level for all, we may say that those who made up their mind to seek a better life across the ocean must have been the more vital elements of the population.⁴

Morris reports that when a mysterious blight struck the potato crop in Ireland in the autumn of 1845 "an immediate and universal panic" followed, since the potato was to one third of the Irish people almost their only means of subsistence.⁵ It may be assumed that in such circumstances another human type is drawn into the maelstrom of flight: these are the "suggestibles." Wherever mass movements of a migratory nature develop, these easily drawn individuals, these joiners and camp followers, must form a large proportion of the group. The trait will be transmitted to the host nation and may be responsible for a high degree of mass suggestibility; a great handicap and a powerful asset, according to circumstances.

Thomas and Znaniecki found that the immigrant is endowed with a definite psychological predisposition.⁶ Immigrants, according to them, "in general are recruited from the less stable and less organized elements of Polish society."⁷ "The educated middle and upper classes of Poland have furnished an exceedingly small proportion of immigrants."⁸

It is of course clear that the starving emigrant and the emigrant of conscience are simplified types. Before the machine

2. "The migration itself was of a piece with all the rest. The Irish people had escaped from one doom to be overtaken by another. . . . The emigrants, jammed like slaves in a hold, and, having no marketable value in the eyes of the ship's master, treated even worse than slaves, suffered fearful privations in their passage abroad." Lampson, *idem*, p. 277.

3. "The structure of society . . . became sounder. . . . The intense competition for land diminished. . . . Wages . . . were greatly augmented." Morris, *op. cit.*, p. 184.

4. Speaking of a somewhat later period (1861-1900) Lampson (*op. cit.*, p. 276) writes: "The large majority of these emigrants were young, strong, and enterprising . . . ; thus in 1900, 82.3 per cent were between the ages of fifteen and thirty-five." The age level of the famine migration of 1847 was probably somewhat older. The inmates of the workhouses, for instance, were sent to join the exodus.

5. Morris, *op. cit.*, p. 149.

6. Thomas and Znaniecki, *The Polish Peasant*, p. 148.

7. *Idem*, p. 149.

8. *Idem*, p. 148.

made its appearance crop failure, hard winters, and droughts were the main causes of poverty; sometimes the devastations of war and revolution were added to the adverse forces of nature. Sometimes also a large number of children was an impoverishing factor, but in the time of manual labor children were rather an asset. The waves of mass unemployment which periodically flood the great industrial countries have made poverty more undeserved than ever. Mass migrations for economic reasons no longer include the less efficient, less dynamic type.

Political, religious, and social refugees are not trying to escape from want and starvation. They believe in something, and since the ruling groups of their country try to compel them into servitude and apostasy, they leave, not wanting to share in the complicity even of a coward silence. They leave opportunities, friends, property, beloved old traditions and ways of life; they have not been driven by economic reasons to seek opportunities elsewhere. These immigrants represent the rebel type of humanity; they have been stiff fighters, these Pilgrim Fathers who landed on Plymouth Rock, or persecuted Irish Catholics who came to Maryland, or revolutionary youth of Germany who came over in 1848 and 1849, the gunfire of the barricades still sounding in their ears. We should expect this specimen of immigrant to be no easy and subservient citizen, but stubborn, stiffnecked,⁹ daring, to some extent optimistic or overactive, full of energies, schemes, and projects.¹⁰ Their tenacity¹¹ counterbalances the rash suggestibility of other immigrant groups.

Political groups and sects have a tendency to change and re-

9. "Jacob Leisler, a native of Frankfort-on-the-Main, who was elected temporary governor by the people of New York, called the first congress of the American colonies. A fearless defender of the people's rights against the oppressions of the Government, he was brought to trial for treason and hanged in 1691, the first martyr of the long struggle of the American people for liberty. Johann Peter Zenger, the owner of the New York 'Weekly Journal,' which he founded in 1733, saw numbers of his paper publicly burned by the hangman for his criticism of the acts of the Government. Thrown into prison for his fight for liberty, he was the man at whose trial the freedom of the press was definitely established in America." Konrad Bercovici, *Around the World in New York* (New York, The Century Company, 1924), p. 321.

10. "The socialist movement . . . was originally a German movement in New York." *Idem*, p. 341.

11. On the tenacity of the New York Germans in sticking to their old churches, houses, and social halls see *idem*, pp. 326 ff.

construct the outer world. Their aim is action, clashing with hostile forces. The religious sect is sociologically less dynamic because it withdraws from conflicts into solitude and isolation. It is true that both groups show a "certain intransigency";¹² both are radical. Yet the religious radicalism chooses to go out of the way of opposing conditions and men. It comes to the surface only when the outer world demands action and this action is refused. Never in peacetime would the pilgrims of Russian-town have collided with their new environment. But they immediately did so when the military draft for the first World War dragged them out of their sheltering retirement and demanded a positive doing: military service. They had fled Russia to escape "exercising the gun." Now they again refused to soil their hands with military papers. Their dormant intransigence awoke, and exactly as they had done in Russia "these young men stood up as one body, refusing to have anything to do with the draft."¹³

There is a colony of Persians in Chicago, driven to America by religious persecution.¹⁴ To leave the Orient—their mountains and vineyards—and settle in New World slums demanded a strong character and a deep and unshakeable faith. Exactly the same qualities may render the Persian immigrant a rather obstinate husband and matrimony with an American girl difficult. One wife complained to the social worker:

The trouble with these people is that they don't ever make any progress. They have such queer ideas. . . . They are opposed to American women. They make wine and buy automobiles, and don't know how to save.

I felt I did not understand these people. I had always hated foreigners.¹⁵ Persians only care to eat and drink. . . . They believe that women are only to bear children and to be beaten.

I tell my husband that he is ignorant because he cannot read English. He refuses to attend a night school. I tell him, "Your people are no good—they are not citizens or voters. I am a voter."¹⁶

12. Young, *Pilgrims of Russian-Town*, p. xvii.

13. *Idem*, pp. 131–132. The author relates what happened to them until they were finally exempted from military service. *Idem*, pp. 132–134.

14. On this colony see H. W. Zorbaugh, *The Gold Coast and the Slum* (Chicago, University of Chicago Press, 1944), pp. 142 ff.

15. The wife herself was a second-generation immigrant.

16. Mowrer, *Personal Adjustment and Domestic Discord*, pp. 196–197.

The domestic conflict here is based on the very virtues which made the religious man leave his country.

Starvation is a danger the immigrant tries to escape by looking for a new habitat. In some cases another danger looms: criminal prosecution. This sort of migration is not limited to the United States. English criminals settle in Greece, American offenders go to South America, and Australians migrate to Shanghai. The proportions of the phenomenon cannot be established, but it may be assumed that many of the criminals prosper and are thereby for all practical purposes "reformed."

United States consuls in the first half of the nineteenth century were kept busy reporting to the Secretary of the Treasury on foreign criminals and paupers who were shipped overseas, partly to the United States. The consul at Hesse Cassel wrote on September 8, 1836:

The only forced deportation which has come to my knowledge, is from the Free Hanseatic town of Hamburg, the Government of which deports, from time to time, those criminals which have been either condemned for life or a long period; they give them the choice either to endure their time or to emigrate; in which case the Government pays their passage. A number of them have been sent to New York, and this year to Brazil.¹⁷

A communication from the Consul in Basle, Switzerland (October 10, 1846), says:

I also enclose a slip taken from the *Frankfort-on-the-Main Journal* . . . by which you will find that the charge made against certain German governments of sending their convicts to the United States, and which has been contradicted by certain German representatives in the United States, appears to be only too true. It had formerly been practised in Switzerland and Baden also but . . . I believe I have been successful in completely putting a stop to it in these parts.¹⁸

In Section 4 of the "Act to Regulate Immigration"¹⁹ of 1882

17. Edith Abbott, *Immigration. Select Documents and Case Records* (Chicago, University of Chicago Press, 1924), p. 115.

18. *Idem*, p. 129. For other instances of the practice see pp. 127, 129.

19. *Idem*, p. 182.

it is provided: "That all foreign convicts except those convicted of political offenses, upon arrival, shall be sent back to the nations to which they belong and from whence they came. . . . The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came." The enforcement of the law is described in a report of the Ford Committee.²⁰ One commissioner of immigration testified that the method and system followed were "a perfect farce."²¹

Immigration follows the repulsion of the old and the attraction of a new habitat. It need not be only an economic push and pull; it may be social, political, or religious oppression in one place, freedom in the other country. It may be even less than that; there is the constitutional malcontent, the epileptoid, the paranoiac, the quarrelsome person, the revolutionary in all circumstances and political forms.

This selection process, however, is modified by the little-studied phenomenon of migratory reflux. Immigration consists not only of arriving and staying but also of coming, going, sometimes even coming again. The extent of these movements varies with economic ebb and flood, but in addition to factors of prosperity and depression there is a deep undercurrent of remigration to the country of origin. In various times it has been estimated to amount to about 40% of the immigration. This was the estimate before the first World War and again in 1920.²² There are mere malcontents, of course, among them, but "among the immigrants who return permanently are those who have failed, as well as those who have succeeded."²³ Thousands of those returning have, under unusual conditions of climate, work, and food, contracted tuberculosis and other diseases; others are injured in our industries; still others are the widows and children of aliens dying here."²⁴

The remigration movements appear to have increased proportionately since immigration has been more restricted. They surpass by far the former 40% limit.

20. The immigrants were briefly interrogated—"questions calculated to elicit whether or not he is disqualified by law from landing." *Idem*, p. 183.

21. *Ibid.* It was reported that some European governments sent their convicts as cabin passengers. *Idem*, p. 184.

22. *Idem*, pp. 234, 539.

23. The same may be said of the rural-urban and urban-rural movement.

24. *Idem*, p. 540. Without this emigration the relief burden and possibly the crime rate for widowed persons would be much higher.

Immigrants and Emigrants²⁵

	1939	1943	1944
Aliens admitted	268,331	104,842	142,192
Aliens departed	201,409	85,722	84,409

The migratory current therefore carries forth and carries back; it is selective in a complex way, for both the incoming and the outgoing.

2. *Physical Acclimatization*

When birds or other animals migrate they seek a habitat which is physically more fit for their survival. In human migrations the fundamental physical factor is hidden behind the economic situation. In every case, however, the trend is from sterility to fertility, although it may be true that fertility must be taken in a broader sense—not only growth of grain and cattle but abundant deposits of raw material and fuel, as well as industrial production.

Migration as a change of climatic conditions tests the human organism. It is often a double or triple test when European farmers wander into an American metropolis and the single migrant enters into marriage with an American girl. We hear much of “cultural conflicts”²⁶ and “mobility”; sometimes “bodily security conditions are mentioned,”²⁷ but the simple fact of a grave acclimatization crisis has not been examined. We know that anatomical and mental features must be regarded as adaptations to a specific physical milieu; there is no doubt that the first transitional stages are the most painful and often end in the negative adjustment of death.

The problem gained in seriousness when the northern immigration (from England, Ireland, Germany, and Scandinavia) was replaced by eastern and southern immigrants who were less country-minded and settled in the great Eastern and Mid-western cities. In comparing Thompson and Whelpton’s mortality figures of 20 years ago with our recent data it will be

25. *Monthly Labor Review*, Dec. 1944, p. 1240.

26. See R. M. MacIver’s (largely justified) objections to such “causes” of crime in his *Social Causation* (Boston, Ginn & Co., 1942), p. 91.

27. “Bodily insecurity conditions easily lead to antipathy.” Emory S. Bogardus, *Immigration and Race Attitudes* (New York, D. C. Heath & Co., 1928), p. 50. This insecurity is a social trait and will not be discussed here.

seen that the mortality of the native white and the Negro population has decreased while that of the foreign-born has risen rather sharply.²⁸ The foreign-born of course have a radically different age distribution; their total mortality therefore is not so important as the mortality by age groups, among them in particular the socially vital group 15-50.

Mortality, Native White and Foreign-born White, 1940²⁹
Per 100,000 of Each Group

Age	Native White		Foreign-born White	
	Male	Female	Male	Female
All ages	9.92	7.62	25.0	21.1
15-19	1.6	1.2	1.9	1.6
20-24	2.0	1.6	2.8	2.1
25-29	2.5	1.9	2.9	2.0
30-34	3.1	2.4	3.0	2.5
35-39	4.2	3.1	3.8	3.1
40-44	5.9	4.2	6.3	4.6
45-49	11.1	7.2	16.2	10.5

In nearly all age groups the mortality figures of the immigrant are higher, and the picture is more specific still in Thompson and Whelpton's older table,³⁰ where these death rates are attributed "in part to differences in educational and economic status," and in part to the originally rural habitat of the bulk of foreigners. The situation is, however, more complex, and physical disorders, based on the mere bodily crisis of acclimatization must be added. Much certainly depends on the nativity of the immigrant, his health, age, and the section of the United States where he settles. Heat is mostly regarded as the more pernicious element, but acute cold aggravates the economic strain under which many immigrants live.³¹

28. Thompson and Whelpton, *Population Trends*, p. 246 (1920-24 and 1925-29).

29. Computed from *Vital Statistics, 1940*, I, 254. It may be recalled that 100 years ago "it was ascertained as a fact that more than one-third of the emigrants from Europe die within the first three years of their residence in this country, though they generally come out in the full vigor of life." J. S. Buckingham, *America. Historical, Statistic and Descriptive* (London, Fischer, Son, & Co., 1841), II, 93.

30. *Op. cit.*, p. 246.

31. "The winter James was born, I recall the house was cold at least half of the time, for lack of fuel. During these cold spells when Pa came home drunk,

That the occupational status of the immigrant raises his mortality is certain. I have not been able to find more recent compilations, but a large machine-building plant employing over 40,000 workers, nearly half of them foreign-born, stated the following accident rates.

Accidents 1910-13 by Nativity
Per 1,000 300-Day Workers³²

American-born	60.6
Foreign-born	101.8

The immigrants suffered an unusually high number of grave accidents:

Accidents by Nativity³³
Per 1,000 300-Day Workers

<i>Nativity</i>	<i>Death</i>	<i>Permanent Injury</i>	<i>Temporary Disability</i>
American-born	0.5	1.6	58.5
Foreign-born	0.9	4.6	96.3

Kate H. Claghorn in discussing these figures mentions the following reasons:³⁴ The immigrant is more frequently represented in the more hazardous occupations. He does not know English and cannot read the warning instructions. The rural mind lacks the ability for quick adjustments.³⁵ The immigrant, in addition, wants to make money quick; he prefers night shifts. The night rate of accident, especially disabling accidents, is much higher than the day rate.³⁶

The disabled war veteran is a medical and sociological problem, somewhat mitigated, however, by the best of medical care and the removal of the worst economic worries. We have not

we often saw Ma crying, and seeing her cry, we kids also cried." Shaw, *Brothers in Crime*, p. 170.

32. U. S. Bureau of Labor Statistics, *Bulletin 256* (Washington, 1920), p. 57.

33. *Idem.*

34. *The Immigrant's Day in Court* (New York, Harper & Bros., 1923), p. 19.

35. "In 28 per cent of the steel foundry accidents . . . it was found that the injured person had unnecessarily placed himself in an unsafe position or posture." *Monthly Labor Review*, 1944, p. 1177.

36. *Bulletin 256*, p. 58.

yet become aware of the sociological significance and the increasing extent of industrial accident, and here must be included the chronic diseases contracted in mines and quarries and plants. By a process of social gravitation the full burden of this risk is shifted to the outer, most marginal layers of the population—to colored people and immigrants.

It has been estimated that there are in the United States "approximately 4,000,000 handicapped persons of whom 2,200,000 are in the working age 17-64."³⁷ The overwearying industrial effort of the war must have vastly increased this number. These accidents present a new and bloody aspect of modern warfare, deeply invading the female section of the population.

According to prewar computations 800,000 persons became permanently disabled each year through congenital defect, accidental injury, or disease.³⁸ One important disabling factor, frequent among poor immigrants, is omitted: alcoholism. Wherever there are large groups of immigrants (Massachusetts, Connecticut, New York, Illinois, etc.) the death rate of the white population from nephritis approaches that of the Negro.³⁹

Although accidental injury conspicuously leads in the causes of disablement,⁴⁰ plants report that the disabled worker is industrially to a certain extent a more desirable employee;⁴¹ this observation scarcely applies, however, to the disabled immigrant, who is in any case a most pliable operative and therefore acceptable.

37. *Monthly Labor Review*, July-Dec., 1940, p. 1123.

38. *Monthly Labor Review*, July-Dec., 1940, p. 1124.

39. For figures see *Negroes in the United States, 1920-32*, p. 456. The data of Boston, Detroit, Chicago, and New York City differ considerably from those of New Orleans, St. Louis, and Nashville.

40. According to the National Institute of Health, surveying 812,000 persons, these rates of disability were found:

	<i>Per Cent</i>
Accidental injury	61
Disease	33
Congenital defects	6

Monthly Labor Review, July-Dec., 1940, p. 1124.

41. "Resignations, absences and discharges for cause were found to be from 7-8 per cent higher among the nondisabled, while there were 5.6 per cent fewer accidents among the disabled." These figures were gathered by a large plant employing 685 disabled. *Monthly Labor Review*, July-Dec., 1940, p. 1126.

Suicide and insanity may be discussed in this connection, although they are failures in adaptation produced by a multiplicity of causes—physical, mental, social, economic, and so forth. The phenomenon is in a way surprising, for here the migration which aimed at survival ends in destruction or breakdown, like the fate of migratory birds which die on their way to a warmer climate or succumb to exhaustion on arrival. But since suicide and insanity are closely related to criminal behavior they deserve attention.

Since the foreign-born are a much older group as a whole than the native, and since senile disorders constitute a larger proportion of admissions to asylums,⁴² we should expect to find that the admission rate for the foreign-born is large.

First Admissions Per 100,000 of
Each Group⁴³ 1933

	<i>Male</i>	<i>Female</i>
All classes	66.0	46.7
Native white	60.0	42.2
Foreign-born	104.1	79.4

The high figures of the foreign-born must be qualified by two considerations. We read in the insanity statistics:

The immigration laws of the United States during recent decades have provided that insane immigrants be debarred from entering the country, and that when insanity develops within a limited period after entrance the afflicted person be deported.⁴⁴

. . . Thus, as regards insanity, the foreign-born remaining in the United States are to some extent a selected class.⁴⁵

42. Only a minority of the psychotics are admitted to institutions.

43. *Patients* . . . 1933, p. 26. The 1933 statistics embrace only movements in state hospitals.

44. That is the reason why statistics on "length of time in the United States" present extremely low figures during the first five years, according to the last statistics available. *Patients* . . . 1923, p. 26. Relatives and friends naturally try to avoid raising the insanity issue as long as the patient can be deported. It is, on the other hand, occasionally easy to get rid of an undesirable husband or wife by asking for insanity proceedings which might be followed by deportation.

45. *Patients* . . . 1933, p. 27. The statistics conclude: ". . . so far as the influence of this one factors goes, there should be less insanity among them than

A second objection is the fact that the native whites are a multi-farious group, including native white of foreign parentage, who have a higher insanity rate than those of native parentage.⁴⁶

The statistics correctly say that the foreign-born population is comprised largely of adults, males, and urbanites;⁴⁷ yet all these disturbing elements could be eliminated statistically and still other divergences would remain. In connection with the 1933 statistics we read: "Probably the strain to which immigrants are subjected in the effort to adjust themselves to new physical, economic, and social conditions tends to increase insanity among them."⁴⁸ Kate Claghorn has observed such cases. Slavic immigrants are strongly attached to the soil and the acquisition of land. When he has purchased real estate on the installment plan and for some reason cannot fulfill the contractual obligations and is in the process of losing both property and previous payments, such an immigrant "cannot reconcile himself to losing it, gets into a highly emotional state about it, and so many times goes really insane."⁴⁹ In one case a man grew more and more unreasonable, refused to accept papers or sign receipts, and finally . . . went and hanged himself."⁵⁰

The native white has a larger admission rate for dementia praecox and manic-depressive insanity; this group has more young adults and the type of psychosis corresponds to the age distribution. The foreign-born is more frequently admitted for dementia senilis, cerebral arteriosclerosis, and alcoholism. I have computed the percentages in a table on page 271.

Alcoholism would tend to increase the minor delinquency which constitutes the numerical bulk of our arrest figures; the senile disorders, on the contrary, do not contribute to criminal

among the native population." All this, of course, does not affect illegal entries.

46. Figures only available for 1922. *Patients . . . 1923*, p. 121.

47. *Patients . . . 1933*, p. 27.

48. *Ibid.*

49. Claghorn, *op. cit.*, p. 56. The records of the Chicago Legal Aid Society show such notations as: "Man very excited; appears to be out of mind." "Could not get from him coherent account of the difficulty." "Do not think the man is normal." *Ibid.*, p. 56, 57.

50. *Idem*, p. 57.

Psychosis and Nativity
First Admissions 1933
All Psychoses⁵¹
(Per Cent)

	<i>Native White</i>	<i>Foreign-born White</i>
Senile psychoses*	21.5	30.1
Dementia praecox	21.7	17.5
Manic depressive	11.8	8.7
Alcoholic	7.8	10.9

* Dementia senilis and cerebral arteriosclerosis added.

behavior the same share as do dementia praecox and manic-depressive insanity.

There is a distinct tendency of the single foreign-born to become insane which may be regarded as the cumulative effect of social and familial isolation. The strain is more pronounced in urban than in rural areas and affects both sexes:

First Admissions of Single Males
by Nativity and Environment
1933 Per 100,000 Population⁵²

	<i>Native White</i>	<i>Foreign-born</i>
Urban	110.3	165.7
Rural	65.3	113.3

Claghorn's classification of the immigrant's worries into "money troubles" and "family troubles" is somewhat summary.⁵³ The immigrant has not only tried to escape hunger or physical danger, an oppressive stepmother situation, or the menace of criminal law; he is also driven by spiritual needs, the longing for freedom, equality, fraternity. His ardent desire for a new and better world often outreaches reality. An industrial

51. *Patients . . . 1933*, p. 30.

52. *Idem*, p. 48. The married foreign-born male has about the same rate as the married native white; the married female of the same group is slightly above the native white group. On the higher mortality of the single person in general see Reuter and Runner, *The Family*, p. 201 (New York figures).

53. *Op. cit.*, pp. 1-100.

failure at home, he is perhaps a failure again in the promised land. He may become sick, or happen to run into individual misfortune or a general depression. Ill-success at home could be attributed to "circumstances"; when the same ill-success repeats itself in the land of opportunity the conclusion imposes itself that the immigrant himself, not others, may be responsible. "I have been disappointed here," writes an immigrant, "because I seem never to have had anyone to talk to."⁵⁴ Another emigrant from Russia admits, "When I came to America, at first I was disgusted. . . . First the immigrant is always disappointed . . . I suffered like other immigrants . . ."⁵⁵

When the immigrant sees that his best qualities are piling up more obstacles and discriminations than his faults,⁵⁶ when he sees that even material success may help his children but will no longer make him really happy,⁵⁷ he will often proceed on his journey to a land where he need not be afraid to be disappointed. His propensity for self-destruction must, of course, be partly explained by his age distribution. The forces of urban life weigh heavily upon him. Unlike many natives, the foreign-born is not able in his new country to return in old age to rural life or the small home community.

I present Ruth Cavan's Chicago suicide figures on page 273.

The foreign-born woman has a stronger attachment to her homeland; in many cases she has joined the migrating husband without having the same reasons for leaving. Her suicide rate is far higher than that of native-born women.⁵⁸

54. Mowrer, *op. cit.*, p. 210.

55. *Idem*, p. 185.

56. Bogardus (*op. cit.*, p. 8) indicates this handicap of superiority when he writes, "Immigrants are treated as economic commodities because of the work they can do. As long as they remain docile and do not react against untoward conditions, they are tolerated in large numbers. . . . In fact, still larger numbers are being sought. As long as unskilled immigrant laborers, of any race, remain 'in their place,' amenable to control, all goes well. But let a few of the more energetic of their number climb industrially, start a labor union, or lead a strike; . . . let a few of their children take prizes or class offices at school—and straightway the underlying competition is recognized and social conflicts are stimulated. Immigrants, who have been encouraged because of the work they can do, are viewed in a new light as potential competitors for rank, position, status. The slogan is raised: 'We are going to be overrun.'"

57. Looking through a volume of Swedish documents, Park and Miller (*Old World Traits* p. 93) found that the most general attitude was, "I have been successful I have property. My children have superior advantages. But I have lost my life."

58. Relatives in the United States often lend money to immigrants to come over. The latter faithfully pay it back. No one will give the foreign-born

Chicago, Suicides by Nativity and Sex,⁵⁹ 1919-21
Per 100,000 of Each Group

	<i>Male</i>	<i>Female</i>
Native white, native parentage	13.6	8.6
Foreign-born white	41.4	14.2

Insanity and suicide are only two among many possible symptoms; before the mechanisms of physical acclimatization fail the nervous apparatus shows disturbance and deviation. This dysfunction, first mental, then organic, has been studied in Europeans who have gone to the tropics; it is the *cafard* of the French colonial doctors. Grave symptoms are immediately recognized and thereby rendered innocuous, but disorder is left unheeded when the climatic transition appears to be less violent. Here we must think rather in terms of alterations of the emotivity, volition, and action. The character changes, deteriorates. There is irritability and weakening of inhibitions. Isolation and uprooting play some part; the main basis, however, is defective heredity, which alone would not suffice to cause serious forms of misconduct. Other factors must be added: a personal or social crisis, fatigue, head injuries, acute infectious illness, intoxication, and finally climatic noxae.

To observe the disorder economic elements must be eliminated if possible. It is further useful to select members of higher vocations and migratory trends which do not lead to the United States but away from it. I have found it remarkable, in looking over murder trials, that so many physicians and dentists who committed murder had some sort of overseas background. Dr. Thomas Neill Cream, predecessor of Jack the Ripper, was born in Glasgow. A few years later he came to Canada and the United States.⁶⁰ After a ten-year term in Joliet his series of poison murders started in London. Dr. Crippen was born in Michigan; about 50 years later he murdered his wife in London.⁶¹ Dr.

woman money in later years to return to her land of birth if her husband dies or discord arises. Return to the place of her youth—so easily executed by the native—remains a dream.

59. Cavan, *Suicide*, p. 80.

60. A short report in Edmund Pearson, *Murder at Smutty Nose and Other Murders* (New York, Doubleday, Page & Co., 1927), pp. 141 ff.

61. See *idem*, p. 147, for an abbreviated account.

Graves from Connecticut, also 50 years old when his hour struck,⁶² had spent years of his early life in Zanzibar. Dr. Waite spent seven years of his life in South Africa before he returned, married, and poisoned his father and mother-in-law.⁶³ It looks as if in certain beings life in foreign countries and in a different climate causes the moral framework, unstable from the beginning, to disintegrate.

Another point may be raised but cannot be decided here. It is probable that in general the migratory current from rural to urban areas carries the later-born children to the city and leaves the oldest, the first-born, in possession of the farm. Hansen gives a description of immigration which indicates a graded entry of immigrant families:⁶⁴

The resources of the family were pooled first to facilitate transportation across the Atlantic, and then to acquire a landed estate in America. The family migrated piece-meal if, as often happened, the funds were sufficient to send only one member across the sea. The eldest son departed and found employment. In a year his savings paid for the passage of his sister, who entered domestic service. Within two years their combined savings brought over the parents and the other children.

Such may have been the average proceedings: often, however, parents, sisters, and brothers stayed at home, perhaps because there were no savings or the emigrant brother had been a burden to the family. If it could be proved that the eldest son usually starts the course of migration this would imply the presence of a higher percentage of first-born among the foreign-born than in a native population.

3. Socioeconomic Adjustment

The multitude of derogatory nicknames applied to foreigners betrays the feeling of preëminence that swells the heart of the native.⁶⁵ The immigrant presents himself in a stage of adapta-

62. Pearson, *Five Murders* p. 193. He had come back to fight for the Union during the Civil War.

63. E. H. Smith, *Famous Poison Murders*, pp. 311 ff.

64. Marcus Lee Hansen, *The Immigrant in American History* (Cambridge, Harvard University Press, 1940), p. 68.

65. Such terms are "greaser," "dago," "bohunc," "hunky," "sheeny," "wop," and "chink." "Greaser," formerly a term for Mexicans and Spanish Americans,

tion and therefore hesitant, cautious, often timid. Like a man in a dark room he moves warily in fallible and unknown surroundings. This Egyptian darkness does not exist for the native; he is therefore tempted to misjudge the clumsy approach and to take it for innate incapacity. Ignorance of language creates another level of inferiority. The rural, poor, down-hearted immigrant suffers from the change of climate and the ocean passage. His physical exhaustion adds to the picture of dullness and primitivity.

The immigrant seems to endorse this diagnosis by the facility with which he is exploited and duped. Kate Claghorn has devoted a long chapter to these practices of fleecing the immigrant from the moment he buys the steamship ticket to the time when bitter experience has made him more or less immune.⁶⁶ That these methods are time-honored is evident from the report published by Edith Abbott.⁶⁷ A vicious circle is suggested when we hear that immigrants are cheated by natives and countrymen alike, who may once have fallen victim to some similar fraud upon their own arrival. This is one especially painful weakness in the immigrant's socioeconomic situation.

The unpopularity of the immigrant has diverse causes. The poor immigrant is a hateful competitor to the native worker. Being unmarried or unaccompanied by his family, preponderantly male, and under the age when vigor and resistance de- has now been extended to the first generation of Italians. Whyte, *Street Corner Society*, p. 149. On the use of the term in 1849 in California and its origin see Asbury, *Barbary Coast*, p. 33. "Dago" is supposed to be derived from *hidalgo* and refers to southern Europeans. See Albert Barrère, *Slang, Jargon and Cant* (London, 1897), p. 277. "Bohunc" and "hunky" indicate laborers from southeastern Europe. A "chink" is a Chinese. "Sheeny" means "a Jew, Yid, used by Gentiles and by Jews." Farmer and Henley, *Dictionary of Slang*, p. 403. "Wop," according to Webster comes from the Sicilian *guappo*, "bold," and indicates an Italian.

Psychologically interesting is the term "grechhorn" for immigrant. It means "simpleton, fool, gull." *Idem*, p. 202. The verb to "green," or cause to appear simple or green, has the meaning of swindle. Green is finally the uncertain, immature, unadjusted and therefore unassured individual as shown in the old song (quoted from Barrère, *op. cit.*, p. 404):

"So awfully green, dreadfully green,
The greenest of green that ever was seen,
He blushes and simpers—you know how I mean
Frightfully shy, and awfully green."

66. *Op. cit.*, pp. 1-65, 121-142.

67. *Historical Aspects of the Immigration Problem* (Chicago, Chicago University Press, 1926), p. 130, chapter entitled "Frauds upon Immigrants after Arrival at the Port of New York, 1846."

cline,⁶⁸ the immigrant overcomes the handicap in work available to him⁶⁹ and that of excessive registration fees of employment agencies⁷⁰ by living in overcrowded and cheap quarters,⁷¹ by taking in lodgers,⁷² and by economical housekeeping in coöperative nonfamily groups.⁷³ These methods of saving naturally carry him to the slum, and the slum again is a formative force which may not engulf the immigrant but will shape the body and mind of his children. These quarters of the poor immigrant are problem areas, "the home of racketeers and corrupt politicians, of poverty and crime, of subversive beliefs and activities."⁷⁴ To the one who comes from a slum crowded with foreigners the range of lawful opportunities is narrowed although we do not like to admit it. "It is difficult for the Cornerville man to get onto the ladder, even on the bottom rung. His district has become popularly known as a disordered and lawless community. He is an Italian, and the Italians are looked upon by upper-class people as among the least desirable of the immigrant peoples."⁷⁵

The role of the foreign-born among deserters,⁷⁶ fathers and mothers of illegitimate children,⁷⁷ and sex perverts has not yet been studied. Some of the Armenians, Greeks, and Turks who

68. When the quota system was considered in 1921 the following report reached Congress: "This new immigration coming almost wholly from eastern and southern Europe differed in character from the old immigration in that substantially 70 per cent of it, as a whole, consisted of males and substantially 86 per cent of the males were living single lives, being unmarried or having left their wives in Europe. . . . As a class they were strong, healthy able-bodied men, industrious and frugal in their habits. Substantially 95 per cent were under 45 years of age." *Idem*, p. 233.

69. The obvious handicap of the unskilled laborer who has to take the jobs the American worker does not want. "This means," writes Edith Abbott, "that whatever his training or experience may be he must serve an apprenticeship in the ranks of the unskilled seasonal laborers." *Idem*, p. 481.

70. *Idem*, p. 482.

71. The smaller industrial centers appear to be worse than New York or Chicago. In the case of one race, 9.5% of all households had six or more persons per sleeping room. *Idem*, p. 543.

72. On the lodger problem see *idem*, pp. 526 ff. and Claghorn, *op. cit.*, p. 72.

73. Abbott, *op. cit.*, p. 529.

74. Whyte, *op. cit.*, p. xvii.

75. *Idem*, p. 273.

76. The deserting husband is often replaced by the faithful boarder.

77. Abbott, *op. cit.*, pp. 528-529. The girl who does not speak English is dangerously isolated and easily falls for a boarder in the same house who approaches her first with common sentimental memories.

prefer to live in male groups may have emigrated to seek the chances of a country which has a male surplus; religious and racial restrictions enhance the opportunities of a peculiar population structure. The crowded sleeping conditions of the dilapidated slum houses are an additional stimulus, as is the overexertion of long work hours.

Many immigrants suffer from what have been called "sentimental losses"; in spite of material success they are "over determined" by home memories.⁷⁸ Others, eager to make good and to return with savings to their country, or just to succeed, overwork. They are caught by the competitive spirit of the promised land and accelerate the pace beyond the breaking point of the human machine. We are told of the Russian and Galician Jews who reached New York, "In the first flush of ambition they worked so hard that hundreds, nay, thousands, of them perished of the white plague from overwork, bad housing, and underfeeding, in the attempt to accumulate enough wealth to establish themselves in business . . ." ⁷⁹ The restless tempo of American business life seems to have received a decisive impetus by the untiring ambition of immigrants. That this self-harming effort does not shrink from doing harm to others standing in the individual's way goes without saying.

Among the immigrants one large section looks at the new country as a higher level of civilization, which the newcomer desires to reach and into which he wants to merge as quickly as possible. Since foreign descent cannot be concealed ⁸⁰ and is even betrayed by an exaggerated effort at nativism in his new country, disappointment and snub result. The double role does not bring him closer to the natives, yet strikes him off the register of his own group. The ensuing mental conflict has a certain similarity to that of the cast-off paramour. It is without cure. Those immigrants, in contrast, with the "will to differ" soon run into a conflict of their ideals of freedom with the conformity-enforcing trends of the new milieu.⁸¹ If resisted, the pressure for conformation will harass their minds, detach their children, and aggravate their economic difficulties.

78. Park and Miller, *op. cit.*, p. 93.

79. Bercovici, *op. cit.*, p. 71.

80. The census figures on the foreign-born are certainly not reliable, any more than the data on divorced people.

81. Young, *op. cit.*, p. 157.

The Jack-Roller reports that his father never did pet or "cheer" him. "He spent his time at work, at the saloon, and in bed."⁸² Self-supporting as long as they have work and can work, these precariously balanced economic units break down as soon as the breadwinner is out of work, becomes ill, or suffers an accident.⁸³ When groceries can no longer be had on credit and the landlady refuses to wait for the rent, the relief agency, begging, or pilfering have to keep the family going.⁸⁴

The socioeconomic adjustment of "the" immigrant is, of course, much more complex than a brief description can bring out. The immigrant who settles on the land has to meet other obstacles than those faced by the one who goes to the slum. The experience differs as between adults and boys and girls. It differs according to race and nationality and the attitude of the native population regarding these groups. This attitude, again, changes: from being enemies, nations become the best of friends. From being friends they change to embittered foes. Tolerance or hostility is not merely emotional and accidental. The contract labor legislation of 1885 is a striking example. It seems most contradictory,⁸⁵ but this was enacted on the demand of one great group: organized labor. The control of the labor market by the unions was endangered by a potential reserve army of foreign workers which might suddenly be imported from abroad or from Ellis Island. The interests of workers and employers conflicted, and the interest of the worker prevailed. It was easy to mobilize public opinion against Chinese workers by introducing racial antagonisms.⁸⁶ However, the European immigrant, too, had his undesirable sides. Most of them were single and male; the menace to native womanhood was not directly pronounced, but the idea spread and gained

82. Shaw, *The Jack-Roller*, p. 49.

83. Shaw, *Brothers in Crime*, pp. 132-134.

84. Stealing is done by the children; seldom by the old people. "The attitude of these older folks toward stealing is very strong and they have a very bad opinion of anyone who steals." *Idem*, p. 300.

85. In a report of the U. S. Industrial Commission of 1901 we find this comment: "The immigrant inspectors are therefore reduced to a queer predicament. They must discover, first, whether the immigrant is sound in body and mind—that is, whether he can compete successfully for a living with American workmen. If so, they admit him. They must discover, secondly, whether he really has a prospect of finding work, and thereby competing with American workmen. If so they exclude him." Quoted by Abbott, *op. cit.*, p. 136.

86. Chinese Exclusion Act of 1882, now amended.

credence that the immigrant inclined to crime and vice. When immigration was a more immediate problem than it is today the theory was accepted by public opinion and science alike. Statistics were adduced.⁸⁷ And in the face of these substantiating figures it could only be said in defense of the foreign-born that one can get "only a rough measurement" from statistics.⁸⁸

4. *The Foreign-born Delinquent*

According to the census figures of 1910, 371.3 per 100,000 native whites had been committed to prison or jail for some offense; the rate among foreign-born white was 746.6.⁸⁹ These results have been much discussed; countless foreigners are punished for offenses the native cannot commit: peddling without license, which can only be had by a citizen, or violations of the immigration law, etc. The detection and arrest rate must differ.⁹⁰

The situation as defendant also varies. The foreigner is not familiar with the American bail system.⁹¹ He depends on the assistance—forthcoming or not—of an honest and able interpreter.⁹² Bad practices of dishonest or ignorant justices who do not exert strict supervision have been reported.⁹³ The weak economic position and helplessness of the foreigner are exploited.⁹⁴ Imprisonment for nonpayment of fine or costs is a major phenomenon; the poorest section of the population sleeps

87. Census figures of 1910, concerning persons committed to prison or jail. Claghorn, *op. cit.*, p. 102.

88. *Idem*, p. 106.

89. *Idem*, p. 102.

90. Fred E. Haynes in his *Criminology* (New York, McGraw-Hill Book Company, 1935), seems to assume that the immigrant is the more likely to be caught (p. 83). Yet he is protected by stronger group cohesion.

91. *Idem*, pp. 132-133.

92. *Idem*, pp. 178-180.

93. "Unfamiliar with our legal procedure, they [the immigrants] are thrown into jail or fined heavily on the slightest pretext, even though no crime has been committed." From the *Report of the New York Bureau of Industries and Immigration, 1913* quoted by Claghorn, *op. cit.*, p. 160.

94. "The justices having jurisdiction throughout the county . . . and the county being large . . . many lawyers began suits against citizens of the city in remote courts, far from their homes, from thirty to forty miles. Many suits were begun out in the country and they were set occasionally at ten minutes before the early-morning train arrived. If the train arrived at nine o'clock, the case was heard at eight forty-five, so that the defendant was obliged to go there the night before with his witnesses . . ." *Idem*, p. 161.

its fines off in a jail.⁹⁵ Often jobs are lost, families are not supported, economic distress is aggravated. From the point of view of statistics the figures of jail commitments are swelled and criminal tendencies claimed which would disappear with a reformed system of installment or deferred payments.

Recent statistics indicate a different situation.

Arrests 1936-40	
Per 100,000 of Each Group ⁹⁶	
15 Years Old and Over	
Native white	534.7
Foreign-born white	203.4

Arrests of course are only a tentative approach to delinquency, as pointed out before. It is better, furthermore, to exchange that misleading and obscure generality, "all arrests" or "all crimes," for something more definite and more comparable. Proceeding to prison admissions and keeping in mind all the possible eliminations in the course of the judicial procedure, we arrive at the following figures:

Felony Admissions ⁹⁷		
Males 1937-40		
Per 100,000 of Each Group		
15 Years Old and Over		
<i>Crime</i>	<i>Native born</i>	<i>Foreign born</i>
Murder	19.4	15.6
Manslaughter	17.1	11.4
Aggravated assault	32.2	23.1
Robbery	99.1	23.9
Burglary	209.5	42.5
Larceny	186.1	43.2
Rape	36.8	19.3

95. In Philadelphia in 1942 a total of 2,322 persons went to jail because they had no funds to pay fine or costs. *Annual Report. Philadelphia County Prison, 1942* (Philadelphia, 1943), p. 20.

96. Computed from figures in *Uniform Crime Reports, 1936-40*, pp. 168, 236, 178, 222, and 225.

97. Computed from figures in *Prisoners in State and Federal Prisons and Reformatories, 1937-40*, pp. 30, 28, 30, 34.

Pretty high in murder, manslaughter, assault, and rape (but still below the native level) the foreign data drop deeply, proportionately, in all crimes for gain.

For one important reason crime—I mean serious crime—should be less frequent in the foreign-born: again the fact that they are an older age group than the native white. This greater maturity is even reflected in prison figures:

Median Age of Male
Felony Admissions⁹⁸
1937-40

Native born	27.4
Foreign born	38.9

The statistical picture therefore varies according to the standards we decide to use.

Male Felony Prisoners
Admitted 1937-40⁹⁹
All Felonies

<i>Standards</i>	<i>Native-born White</i>	<i>Foreign-born White</i>
Per 100,000 male population	76.0	42.9
Per 100,000 male population 15 years old and over	104.7	43.3
Per 100,000 male population 21 years old and over	125.7	44.1

The crime rate of native-born is strongly affected by the removal of the youthful classes, while the foreign-born figures are scarcely altered. Since the foreigners belong mostly to the older age groups it makes little difference whether the population 15 years old or 21 years old is taken away or not.

The picture changes radically when we eliminate the youthful and the older age groups,¹⁰⁰ in prisoners and in the corresponding population:

98. Computed from figures in *Prisoners . . . 1937-40*, pp. 31, 29, 31, 36.

99. Computed from figures in *idem*, pp. 30, 28, 30, 34.

100. The difference in the type of prisoners should be noted. Prior to 1937 all prisoners admitted to prisons and reformatories were counted, regardless

Prisoners Received in the¹⁰⁶
 Colorado State Prison
 1929-38

Per 100,000 of Each Group
 in the State Population

Ireland	47.1
Italy	45.7
Germany	38.0
Canada	37.8
Mexico	36.6
Poland	32.1
Russia	30.0
England	28.2
Scandinavia	17.5

Omitting the differences in mortality among foreign groups,¹⁰⁷ there are other measurable variations in processes which can be related to conduct and misconduct; insanity for instance, or suicide.

Admissions to Hospitals for Mental Disease in the
 United States, and Chicago Suicides.
 By Country of Birth and Sex
 Per 100,000 of Same Nativity and Sex¹⁰⁸

<i>Country of Birth</i>	<i>United States Admissions to Hospitals 1933</i>		<i>Chicago Suicides 1919-21</i>	
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
England	87.6	71.7	21.4	13.3
Ireland	227.7	160.7	11.1	5.3
Germany	93.4	72.3	61.2	25.5
Poland	91.8	72.0	28.8	6.5
Russia	79.8	72.6	24.1	12.7
Italy	98.1	67.5	22.9	5.4
Canada	96.9	64.3	40.8	14.3
Austria	200.0	133.3	81.3	30.7

106. Hans von Hentig, "Colorado Crime Survey," 1940 (unpublished), I, 260.

107. Already discussed during the nineteenth century. See the 1875 Report of a Boston Medical Commissioner as quoted by Abbott, *op. cit.*, p. 664.

108. Computed from insanity figures in *Patients . . . 1933*, p. 44, and *Abstract of the 15th Census of the United States, 1930* (Washington, 1933), p. 129, and suicide figures from Cavan, *op. cit.*, p. 80.

There are positive and negative relations between delinquency, suicide, and insanity. Psychosis is more directly connected with crime; suicide often has an opposite aspect, as may be seen in the Irish and Italian suicide figures. The extremely high suicide and insanity rates of Austria require further study. The list of psychotic females is headed by the Irish, who rarely commit suicide and have a most adverse sex ratio in contrast to the Italian women, who have an equally low suicide rate. Rural or urban life, economic conditions and peculiarities of group cohesion, racial characteristics, all enter powerfully into the genesis of psychosis, suicide, and crime.¹⁰⁹

5. *The Second Generation*

To confront and compare statistics on native white and foreign-born white delinquents appears a rather crude method when the native white group is subject to more critical scrutiny. Population statistics distinguish two categories: the natives of native parentage and a composite group of natives of foreign or mixed parentage. Both these subdivisions differ widely and present in themselves broad generalizations. The foreign parents may be similar: a Frenchman married to a French woman. Or there may be a pronounced disparity, as for instance when an Icelander has a Greek or Armenian wife. In all these cases, invariably the enumerator will put down "foreign parentage." The mixed group is defined according to world political boundaries, although a Scotch husband may actually seem less alien to a New England woman than a native-born individual from New Mexico or Alaska.

The habitat of the second generation is the large city:

White Population, 1940,¹¹⁰ by Nativity and Area

<i>Descent</i>	<i>United</i>	<i>United</i>	<i>New York</i>
	<i>States,</i> <i>Total</i>	<i>States,</i> <i>Urban</i>	
Native, native parentage	70.9	49.9	31.0
Native, foreign parentage	12.8	76.8	30.2
Native, mixed parentage	6.7	68.8	9.0
Foreign-born	9.6	80.0	29.8

109. On other factors see Franchetti's picture of the situation in Sicily which adds an explanatory coloring to the psychology of the modern gangster. Quoted by Lombroso in his *Crime: Its Causes and Remedies*, pp. 47 ff.

110. *Population: Nativity and Parentage of the White Population. General Characteristics*, 16th Census, 1940, pp. 1, 2, 37.

Nearly 40% of the population of New York City belongs to the second generation; in the United States as a whole it is only 19.5%.

There is a probability that the mixed parentage figures are in reality larger than the enumerator is told. The figures of the sex ratio hint at a reluctance of the male to admit mixed parentage.¹¹¹ The step from one native parent to claiming both as native is easily taken, while foreign parentage cannot be denied.

If the second generation is split off from the native white group, we see that its high crime figures obliterate and to some extent alter the aspect of the native white as a delinquent. I shall begin here with some data on sex crimes in New York City, where the second generation and the foreign-born form a large part of the total population:

Convictions for Sex Crimes
New York City, July 1, 1937—Dec. 1, 1938¹¹²
Per 100,000 of Each Group

Native white	141.1
native parentage	97.9
foreign parentage	164.8
Foreign-born	129.3
Negro	684.7

The conviction rate of native whites is determined by the high proportion of the second generation.

111.

Sex Ratio, Males per 100 Females
New York City, 1940

Native white, native parentage	90.5
Native white, foreign and mixed parentage	97.7
Foreign-born	104.5
Negro	81.4

Computed from figures in *Population, U. S. Summary*, 16th Census, 1940, p. 109, and *Population: Nativity and Parentage of the White Population. General Characteristics*, 16th Census, 1940, p. 36.

112. Computed from figures in *Report of the Mayor's Committee for the Study of Sex Offenses*, pp. 81, 83. It is likely that the native stock profits more than the foreign from the possibility of pleading lesser offense—that is, "felonious assault" or "minor assault"—for rape. In New York in 1937-38 this happened in 78% of all cases. *Twelve Months of Crime in New York City. Report of the Citizens Committee*, 1938, p. 31. For the Ohio figures see *Judicial Criminal Statistics*, p. 16.

New Jersey figures as reported by E. H. Stofflet point in the same direction, although the second generation is only represented by the Italian group:

Admissions in New Jersey State Prison¹¹³

1925-34

All Admissions for 6 Crimes

by Nativity

(Per Cent)

<i>Crime</i>	<i>Native White, Native Parentage 1,006 Prisoners</i>	<i>Foreign-born Italians 295 Prisoners</i>	<i>Second Generation Italians 415 Prisoners</i>
Homicide	5.1	21.0	6.6
Assault	8.3	21.9	16.0
Sex crimes	18.0	24.0	12.7
Robbery	16.8	17.0	40.5
Burglary	32.5	16.1	16.5
Larceny	19.3	16.1	7.6

Manifestly violence against the person, so frequent among first-generation immigrants, turns in the direction of gainful objects (robbery). There is a decline in sex crimes and higher figures of homicide and assault, while burglary and larceny figures remain low.

Michigan statistics allow an insight into the second-generation delinquency by nationality of the immigrant and his children. The span between first and second generation is not as large as usual because Michigan is a border state. Of all admissions (first and second generation), 19.2% are Canadians, and in Canadians the first generation is considerably more criminal than the second. It may not be permissible to apply the categories of first and second generation to a colonial neighbor and its emigrants, speaking the same language and having about the same mores as the guest country.

It is hard to understand why the second generation, with increasing physical and socioeconomic acclimatization, appears to

113. E. H. Stofflet, *The European Immigrant and His Children*, Annals of the Academy of Political and Social Science, Sept., 1941, pp. 85-86.

Foreign-born and Second Generation
Admissions in Michigan Institutions
1936-38¹¹⁴

By Eight Selected Nativities and
Per 100,000 of First and Second Generation

<i>Country of Birth</i>	<i>Native, Foreign Parentage</i>	<i>Foreign-born*</i>
Austria**	33.3	52.6
Canada	22.9	26.9
England	17.5	14.4
Germany	20.6	12.8
Ireland	37.8	20.5
Italy	34.7	27.1
Poland	46.6	21.8
Russia	27.1	25.5
Total	25.5	23.8

* Not white. The difference affects the total, but not the eight European countries shown here.

** The Austrian figures are again extremely high, as in suicide and insanity, but this may be the effect of small numbers, the Austrian immigration being light.

present a greater tendency to commit crime.¹¹⁵ But the second generation falls into two distinct groups: those of foreign and those of mixed parentage. There were about 8 millions of the last group in the United States in 1940.¹¹⁶ The weight of the problem has increased rapidly, since many soldiers have married British, Irish, Australian, and French girls whom they have met and liked overseas. The writer has devoted much time and attention to the lot of children of one native and one foreign

114. Computed from figures in *Statistical Report Regarding Arrests and State Prisoners Committed and Released during 1936, 1937, and 1938* (Lansing, Michigan Prison, 1939), pp. 132-133.

115. The figures of 1933 still show a slight predominance of natives of native parentage. But in 21.4% of the native-born parentage was not reported. *Prisoners . . . 1933*, pp. 24, 26.

116. *Population: Nativity and Parentage of the White Population. General Characteristics*, 16th Census, 1940, p. 2.

parent. Without entering into details I shall present the main results of this study here.¹¹⁷

It has been assumed, and some statistics seem to support the assumption, that children coming from mixed marriages have a smaller crime rate than those of foreign or even native parentage. This was a forced deduction from prison statistics—covering, it is true, only one year.¹¹⁸ But insanity statistics, too, have showed low figures,¹¹⁹ and so did the urban suicide data.¹²⁰ Professor W. R. Tylor has suggested that “mixed marriage may itself be an indication that culture conflict had largely ceased between the parents.”¹²¹ Divorce figures for some types of mixed marriages do not uphold this optimism, although it may be maintained that religion and descent are different patterns of life.¹²² Taft has proposed that “the more successful immigrant may be better able to marry the more exacting American-born girl.”¹²³ This may be true in some cases but does not cover all the implications of the problem. Two thirds of the mixed marriages involve foreign-born husbands; one third, foreign wives. Economic factors cannot be excluded, but it is my belief that the principal reason must be sought in the large male surplus in the foreign-born group. One must admit, however, that only careful case studies will cast more light on an

117. Von Hentig, “The First Generation and a Half; Notes on the Delinquency of the White Native of Mixed Parentage,” *American Sociological Review*, Dec., 1945, pp. 792-798. 118. *Prisoners* . . . 1933, p. 26.

119. *Patients* . . . 1923 (Washington, 1926), p. 120.

120. Cavan, *op. cit.*, p. 80.

121. Mentioned by D. R. Taft in “Nationality and Crime,” *American Sociological Review*, 1936, p. 727.

122.

Divorce Rates of Mixed Marriages

Prussia, 1905

Per 1,000 Marriages

Divorces

Husband and wife Protestant	26.7
Husband and wife Catholic	9.6
Husband and wife Jewish	40.9
Husband Protestant, wife Catholic	37.2
Husband Catholic, wife Protestant	40.8
Husband Jewish, wife Christian	52.0
Husband Christian, wife Jewish	56.1

From Maurice Fishberg, *The Jews, A Study of Race and Environment* (London, 1911), p. 217.

123. Taft, *op. cit.*, p. 727.

issue which has just begun to attract our attention. My study tends to shake the previous certainty. It is true that other Michigan figures again show a percentage of natives of mixed parentage that is below the rate of foreign as well as native parentage.¹²⁴

Prisoners Seen by the Classification Committee
of the Michigan Reformatory, 1936.

Males per 100,000 of Each Nativity Group

Natives of native parentage	81.0
Natives of foreign parentage	85.9
Natives of mixed parentage	65.0
Father foreign	69.9
Mother foreign	58.8

But 15% of the natives of native parentage are apparently Negroes;¹²⁵ their high admission rate has a racial complication.

My computations, based on recent Massachusetts figures and 4-year averages,¹²⁶ do not confirm the assumption that the native of mixed parentage is less delinquent than the native of native parentage. In general, however, the figures do remain below those for natives of foreign parentage. I have suggested the following interpretation. "Mixed parentage" is a statistical notion which necessarily disregards the more delicate distinctions. Some categories of immigrants, for instance, are foreign in origin but not "alien" in ideology, traditional background, culture, or language. Further investigation shows that a large number of the mixed marriages "are concluded among people who are un-mixed, identical as far as sameness of language goes."¹²⁷ This group comes from Great Britain, Ireland, and Canada, and is, as we know, a group of low delinquency as a whole; it is a stock which may be expected not to be very delinquent. In these iso-linguistic and partly iso-cultural marriages the danger of mental conflicts is reduced.

124. Von Hentig, "The First Generation and a Half," *op. cit.*, p. 793.

125. This is not said explicitly, but must be concluded from the *Annual Report of the Classification Committee of Michigan Reformatory, 1938*, p. 19. My endeavors to obtain figures for more than one year were not successful despite a lengthy correspondence.

126. Von Hentig, "The Second Generation and a Half," *op. cit.*, p. 793.

127. *Idem*, p. 795.

Study has further revealed the likelihood, mentioned earlier, that not a few natives of mixed parentage register as being of wholly native parentage; this is easily achieved because no foreign accent will warn the enumerator. Urban environment and male sex favor this method of self-awarded total equality. The selective structure of the group, therefore, and statistical shortcomings account for lower visible rates in crime, insanity, and suicide.

The critical situation of the second generation and its subdivisions comes from a multiplicity of concurrent conditions for which the term "culture conflict" is no adequate explanation. The "familial civil war"¹²⁸ is a tortuous sociobiological issue on which the following scheme will try to cast some light:

Table of Conflicts
Affecting the Immigrant and His Children

<i>The Children</i>		<i>The Parents</i>
Young	versus	Old*
American	"	Foreigner†
Townsmen	"	Rustic‡
"Smart"	"	"Corny"§
Slum-wise	"	Slum-bewildered
Skeptic	"	Churchgoer¶

* The physical superiority which evolves after puberty comes in here: its expression in stature and attractiveness, health or disease, potency or impotence, and so forth.

† In the eyes of the children it is a sort of racial advancement.

‡ This conflict is often overlooked.

§ "The people in the neighborhood are very old fashioned . . . and still believe in their old fashioned ways." Shaw, *Brothers in Crime*, p. 300.

|| Slum life is an intensified form of city life which requires special abilities of adaptation, a devious technique of living and survival.

¶ "The adult [among the Russian Jews] is apt to be orthodox . . . bound up with a thousand and one traditional ways of doing and thinking, which the child takes very lightly, if he does not reject them." A. Myerson, *Conflict of Generations*, as quoted by Reuter and Runner, *op. cit.*, p. 334. "Most of the old people there believe in going to church two times a day if possible as they are very religious." Shaw, *op. cit.*, p. 300.

There is a natural and rational order in the sequence of generations. It rests on the physical superiority of the older generation and the usefulness of its greater experience; from these ele-

128. To use Myerson's good term, quoted by Reuter and Runner, *op. cit.*, p. 335.

ments flows that subsequent general willingness of the younger group to be guided by the older which we call authority. This hierarchical, time-honored order is reversed in the immigrant's children and the reversal has the most disintegrating effects.

The order of generations rests, furthermore, on the enjoyment of emotional attachments. Emotional response is a real reward for having taken care of the helpless young. The old are "paid off" for all their expenditure of effort and care by the recognition of the offspring in the form of admiration and respect. The father may be a failure in many ways, but his life has not been in vain if he is a success in the eyes of his children. His physical superiority may fade away; so long as his greater knowledge and experience are recognized his father role still stands. Religion, replacing physical might by spiritual power, lifts him to a higher level of significance as a personality. In the general religious atmosphere of former times, the older and weaker he grows the closer he comes to the potent position of an ancestor who, after his death, can help or harm.

All these conditions are turned upside down for the immigrant father. All of a sudden, as the son grows up, the father lapses into a sort of apprenticeship in a world through which the boy moves as master. Suddenly he sees himself cast back into a despised and derided minority, while the son is a member of the ruling majority.¹²⁹ To the contempt of the neighborhood is added the disdain of his own children. By crossing the ocean the father finds himself in the position of having less experience and worldly wisdom than the son. He sees himself reduced to the level of childhood, unable to make himself understood while the son is fully conversant with that difficult art. In a catastrophe more spiritual than material,¹³⁰ and thus all the more insurmountable, the guiding and controlling function, the authority-enjoyment of fatherhood, has come to an end.

Add to the father's confusing dethronement such other depreciating circumstances as illness, accident, alcoholism, unem-

129. In a report of the U. S. Immigration Commission of 1911 quoted by Abbott (*Historical Aspects of the Immigration Problem*, p. 548) the children are designated as the most potent influence in promoting the assimilation of the family since they "almost invariably act as the unconscious agents in the uplift of their parents." The superficiality of this view need not be discussed.

130. And for which the older generation is not prepared, since we try to accelerate the process instead of moderating it.

ployment, etc., and the normal father-son relationship is not done away with but improperly inverted.¹³¹ Youth is superior, the old man inferior; life has turned the tables upon the generations. The children grow conceited, bossy, pretentious, swelled by a false feeling of maturity and perfection.¹³² After the main agents of guidance have failed, they mistake the political freedom they hear so much about for immunity from social controls. The breakdown of the paternal authority, furthermore, engulfs all recognition of authority except for the self-imposed or self-chosen bosses, division leaders, ward-sheiks,¹³³ racketeers, and gang tsars.

The problem of the second generation cannot be understood unless we recognize the forlorn condition of these millions. Socially they are fatherless, culturally orphans, although their fathers are still alive, perhaps share the same bedroom. But youngsters still need the help and protection which their fathers cannot give them.¹³⁴ They long to give loyalty and be rewarded for it. Since the father is eliminated as recipient and dispenser, the second generation transfers its vassalage and obedience to counterfeit substitutes of authority. It submits to the order of the fist¹³⁵ and, severed from the real sources of familial attachment, indulges in excesses of gang loyalty.

The rarefaction of genuine human contacts leads the second

131. "There is just as much authority in our homes as there ever was, only it has changed hands," remarked an older-generation father. Young, *op. cit.*, p. 119.

132. The young people "know what they are talking about." *Idem*, p. 119.

133. "Ternberg said that he saw his ward leader every day in the week, and also on Sunday. 'He is my best friend,' he said, 'and he is a real leader. If he would tell me to go to hell, I would go. I go to see him even when I have no favors to ask, merely because I like to see him, and I do not want him to forget.'" J. T. Salter, *Boss Rule; Portraits in City Politics* (New York, Whittlesey House, 1935), p. 127.

134. One section leader said that 80% of his political work consisted of station-house cases. *Idem*, p. 189. He will take care of an arrested constituent and later appear for a hearing before the magistrate, intercede for him, and probably secure his discharge or "soften the blow of the law." *Idem*, pp. 80-81. The improved father function of a division leader is described in this way: "In handling a division you must read people's minds. Some you must bully; some you are nice to; some you must buy; some you coax; some you threaten; and others you can make happy by taking them for a ride in your automobile." *Idem*, p. 78.

135. The section leader Tony Nicollo is depicted as follows: "He is a short, stockily built Italian-American in his early thirties, with small hands and feet, and dark, reddish hair . . . he is an ex prize fighter, featherweight." *Idem*, p. 75.

generation to a false hero worship.¹³⁶ It teaches a "practical" approach to life, to the realism of political machines, boss rule, the rude application of physical and monetary forces. This realism,¹³⁷ born in the jungles of the slum, becomes romantic weakness and failure the moment the ordinary control mechanisms of the centralized state begin to operate under the pressure of an emergency. Al Capone, Johnny Torrio, and Thomas J. Pendergast were crushed with unexpected ease and the primitive absurdity of their philosophy and practice demonstrated when the state rose to the counterattack. Worldly wise in a local and small way, the "fatherless" second generation turned out to be an inexperienced, "green" agglomeration.¹³⁸ If it should be true, as some observers have maintained, that most of the modern art in America has been produced by this lawless "realistic," and at the same time romantic.¹³⁹ Its crisis of transition is productive as well as destructive. A good observer has maintained that the second generation suffered from "exaggerated Americanism."¹⁴⁰ One of its symptoms may be the venture of crime.

6. *Immigrants and the Administration of Justice*

"Many of the jurors were Swedes and Danes," writes District Attorney van Cise, "who are always the best possible prosecution jurors . . . and stand for the enforcement of Law."¹⁴¹ The defense attorney's interests are, of course, opposite. Clarence Darrow's formula for the selection of jurors was: "Never take a German; they are bullheaded. Rarely take a Swede; they are stubborn. Always take an Irishman or a

136. Of a district boss it is reported, "I know, too, that the little boys for streets around look up to him as a Robin Hood or the hero of their dreams. Once, for a while, he wore a soft grey Stetson that was turned up, instead of down in the front. Soon all the young male voters of 1942-43 were wearing soft grey hats turned up in front." *Idem*, p. 161.

137. Strong-arm methods are realistic in only a tentative and transitory fashion, although we know that many great bosses have started as "bouncers"—Pendergast in Kansas City for instance. The Boss's role as "buffer between the voter and the law" is temporary. See *idem*, p. 163.

138. The story of the early San Francisco gang, "The Hounds," shows how quickly this fictitious power can be brought to an end. See Asbury, *op. cit.*, pp. 43-44.

139. See Bercovici, *op. cit.*, p. 358.

140. Marcus L. Hanscn, *The Immigrant in American History*, p. 93.

141. *Op. cit.*, p. 342.

Jew; they are the easiest to move to emotional sympathy.”¹⁴²

Although we thereby anticipate the problems of vocation and religious denomination, to be examined further on, a few more opinions dealing with the juror may be added here. Arthur Train reports that “a defendant’s counsel will invariably challenge an Irishman if his client be a negro, and vice versa. This is likewise apt to be the case if the client be an Italian.”¹⁴³ When the crime charged is one of violence or arson, or when the defense is self-defense, Jews are presumed to be undesirable and are challenged.¹⁴⁴ Darrow thought that “the lawyers for the defense want a man who is alert, witty, emotional, and who is a Catholic, or without any religious faith whatsoever.”¹⁴⁵ Missionaries and persons engaged in philanthropic work are feared by the prosecution.¹⁴⁶ The juror desired by the state must have grown cold, serious, unimaginative, “a Presbyterian, if possible.”¹⁴⁷

Jurors in smaller towns are regarded as “more or less blood-thirsty” by professional criminals,¹⁴⁸ who are said to try to get either a roughneck jury or a blue ribbon jury.¹⁴⁹ The hard-working “slaves” do not look with too much favor on law and law enforcers. The blue-ribbon jurors live at a safe distance from crime and the harder realities, which makes them critical and impartial.

Any jury selected between these two types is dangerous. Small storekeepers, foremen and minor officials believe that all enforcement officers and prosecuting attorneys are honest and that everyone arrested must be guilty, or he wouldn’t have been arrested. They are just about as shrewd as the prosecutor, and they respond to their own type of intelligence.¹⁵⁰

“Writers, editors, and publishers are generally excused by the defence.”¹⁵¹ It is the reverse with artists, who are distrusted by

142. Irving Stone, *Clarence Darrow for the Defense* (New York, Doubleday, Doran & Co., 1941), p. 164.

143. Train, *The Prisoner at the Bar*, p. 274.

144. *Ibid.*

145. Clarence Darrow, *The Story of My Life* (New York, Charles Scribner’s Sons, 1932), p. 308.

146. Train, *op. cit.*, p. 274.

147. Darrow, *op. cit.*, p. 307.

148. Sutherland, *Professional Thief*, p. 111.

149. *Idem*, p. 132.

150. *Idem*, p. 133.

151. Train, *op. cit.*, p. 275.

prosecutors as romantic and imaginative.¹⁵² A long series of maxims has slowly evolved in criminal court practice, embracing age,¹⁵³ marital status,¹⁵⁴ the sociological background of occupations,¹⁵⁵ and even psychological peculiarities of the individual.¹⁵⁶ The attitudes of the woman juror remain to be studied by scientific methods.

152. *Ibid.*

153. Opinions on old men differ: "Old men are generally more charitable and kindly disposed than young men; they have seen more of the world and understand it," says defense attorney Darrow. Stone, *op. cit.*, p. 161. The district attorney does not agree: "Old men are popularly supposed to make indulgent jurors, although the writer's own opinion is to the contrary, and he has noticed that persons with long drooping mustaches are invariably excused." Train, *op. cit.*, p. 274.

154. "Talesmen with wives and children are generally supposed to be more susceptible to arguments directed to their sympathies." *Idem*, p. 274.

155. "Butchers, coffin-makers, sextons, grave-diggers, undertakers, and dealers in electrical supplies are invariably excused for obvious reasons by the defendant in homicide cases. Liquor dealers are believed to be prone to take a lenient view of the shortcomings of humanity in general . . ." *Idem*, p. 275.

156. " . . . persons with brisk, incisive manners naturally suggest heartlessness to the cowering defendant. . . ." The writer knows an assistant who will not try a case if there is a man with a pompadour on the jury, and neither prosecution nor defence cares for long-haired jurors of the 'yarb-doctor' variety, while the dapper little man with the 'dickey' and red necktie is invariably excused by the defence unless the defendant be a woman." *Idem*, p. 275.

CHAPTER IX

Occupation and Crime

1. *The Incommensurability of Census and Crime Data*

LOMBROSO,¹ ASCHAFFENBURG,² HACKER,³ and others⁴ have reported crime figures by occupation. Earlier volumes of European criminal statistics have attempted to compute reduced figures by main crimes and main occupational groups.⁵ The difficulties of the statistical approach, however, are manifest. The category of the occupational group omits the important factor of age distribution. The occupation group does not take into account economic status, which may range—for a lawyer or physician, for instance—from \$100,000 to \$1,000.⁶ Although occupational groups are given by sex, they are not broken down by race or nativity, at least not in criminal statistics. The occupational status may change during the life of a person; there is a relative rigidity in European countries but a constant flux in the United States.⁷ Immigration usually causes a change of occupation;⁸ the farmer is carried into the manufacturing or mining group. Intrinsically he is and remains a farmer although the enumerator may find him in an automobile plant or in the back room of a hamburger stand washing dishes.

1. *Crime: Its Causes and Remedies*, pp. 194-203.

2. *Das Verbrechen und Seine Bekämpfung*, pp. 71-77.

3. *Kriminalität des Kantons Zürich*, pp. 82-93.

4. Mentioned by Aschaffenburg, *op. cit.*, pp. 71-77.

5. As for instance the *Statistik des Deutschen Reiches*, 1895, II, 48.

6. In the plumbing trade "apprentices receive about \$2.00 daily; helpers \$1.10 per hour; and journeymen \$10.30 for an 8-hour day." They are all registered as plumbers, as is the master who is operating his own business. The Chief Forester in the United States Forest Service makes \$8,000-\$9,000 a year, an assistant forest ranger \$1,620-\$1,980. Both are foresters. Paul W. Chapman, *Occupational Guidance* (Atlanta, Turner Smith & Co., 1937), pp. 390, 108.

7. The famous preacher and reformer Smith of San Francisco, who broke up the Barbary Coast, became a most successful dealer in automobiles. Asbury, *Barbary Coast*, p. 307.

8. The same is true with many who migrate from rural areas to the large cities; for instance, otherwise badly paid schoolteachers, farm laborers, and housewives crowding the plane factories and the shipyards during the last war.

The large occupation groups of our statistics are composed of heterogeneous elements. In the semiprofessional and recreational pursuits "keepers of pleasure resorts" and religious workers are combined. The group of communication embraces sailors and stevedores and longshoremen, psychologically and sociologically most diversified types. Greek criminal statistics are certainly justified in distinguishing between farmers and shepherds or cattle (or better goat) breeders.⁹ A Wyoming cowboy and a farmer from Maine both belong statistically to "agriculture" although they have not the slightest similarity. Fishermen form one large group with agriculture and forestry but are completely separated from sailors. For countless illegitimate occupations accommodation has to be found among the official categories.

The census of 1940 has made two broad distinctions.¹⁰ The total population 14 and over is divided into a) the labor force, and b) individuals not in labor force. The labor force falls into persons

1. at work
2. with a job¹¹
3. on public emergency work
4. seeking work

The following persons are regarded as not being in the labor force: persons engaged in their own housework, enrolled in school, unable to work, in institutions, and finally—that well-known and annoying group—"other and not reported." There were in 1940 roughly 40,000,000 males in the labor force and 10,000,000 not in the labor force.¹² Of 100 males 21.0 were outside the labor force, of 100 females 74.6.

When males seeking work or on emergency work are deducted,¹³ 34 million males remain who in 1940 were really employed. This method is preferable to European methods, where

9. Gardikas, "Beruf und Kriminalität in Griechenland" *Monatsschrift für Kriminalpsychologie*, 1934, p. 550. The Greek statistics however combine mule drivers and truck drivers in one group, "communication," which is scarcely justifiable since the human types differ tremendously.

10. *Population . . . 1940*, pp. 10-11.

11. "Persons not actually at work and not seeking work . . . but with jobs, businesses, or professional enterprises from which they were temporarily absent because of vacation, illness, industrial dispute, bad weather, or lay-off . . ." *Idem*, p. 6.

12. *Ibid.*

13. *Ibid.*

occupation groups include the unemployed.¹⁴ Since each occupation group has a certain hierarchical and technical stratification it would seem that the occupations statistics of the Census Bureau would do best to employ a sociological approach; however, when we meet embalmers and showmen in the group of semiprofessionals, college presidents and actresses in the group of professional workers, newsboys and accountants among the clerical, sales and kindred workers, sailors, and seamstresses (not in a factory) in the common group of "operatives and kindred workers,"¹⁵ we despair of being able to use this classification.

For a general idea of the occupational structure we have therefore to rely on the industrial statistics. (Population Summary 1940, p. 10.)

Industry Group, United States
1940, Males

	<i>Per Cent</i>
Agriculture, forestry, fishery	23.5
Mining	2.7
Construction	5.9
Manufacturing	24.2
Transportation, communication, public utilities	8.1
Wholesale and retail trade	16.2
Finance, insurance, real estate	3.0
Business and repair services	2.3
Personal services	3.3
Amusement, recreation, related services	0.9
Professional and related services	4.3
Government	4.2
Industry not reported	1.3

In all these groups there is an upper stratum with a high social and economic status but so small that it could be statistically neglected. Only in professional services and partly in government will this upper crust be numerically predominant and representative of the whole group.

It is not hard to see that this classification, too, is unsatis-

14. As, for instance, in the *Statistisches Jahrbuch* . . . 1935, p. 17.

15. The occupation group "Service Workers, Except Domestic" includes sheriffs, manicurists, and bootblacks. *Population* . . . 1940, p. 11.

factory. Human activities are here compressed according to their direction, methods, and objects, but these activities are graded according to ability, responsibility, and economic relationship. The industrial group "Agriculture,"¹⁶ for instance, embraces farm owners, tenant farmer, farm laborer. The trade group comprises the big businessman and the salesgirl within the same category. In all prison statistics by occupation we find "hobos" or "illicit" groups of one kind or another, unknown for obvious reasons to the official statistics. All this tends to justify the hesitation to compute criminal statistics by occupation, rely on their exactness, or draw conclusions from them.

The only scientific approach would be to select a distinct professional group, a specific socioeconomic stratum which might coincide somewhat with specific age conditions—the master, the apprentice—and follow it up through population and criminal statistics. Lombroso has reported the following figures:¹⁷

Masons, Bakers, Locksmiths and Shoemakers
among Criminals and in the Population

	<i>Among Criminals</i>	<i>In Population</i>
Masons	11.0	2.5
Bakers	6.9	1.6
Locksmiths	8.3	2.3
Shoemakers	7.3	3.2

If the group of masons had been subdivided by socioeconomic status, and if possible by age, the results would be most valuable.

An investigation made in Oregon studied 1,771 felony cases

16. According to Illinois figures for 1940, of 100 persons belonging to the agricultural group and admitted to Illinois prisons

86.4 were farm laborers
6.8 " tenant farmers
6.8 " farm owners

Computed from *Statistical Review of State Prisons and Correctional Schools* (Illinois, 1940), p. 23.

17. *Crime* . . . , p. 195. With customary lack of exactness no year is given. On the same page he writes that the highest crime rate in the trade group is exhibited by the peddlers, followed by butchers and cab drivers.

according to occupation.¹⁸ All occupations were divided into three large groups: the unskilled,¹⁹ the skilled,²⁰ and the business-professional group.²¹ Although the same classification has not been undertaken with the population of the State of Oregon, the study has cast light on four vital issues: sex ratio, age distribution, nativity and race, and delinquency by specific crimes.

Occupation and Sex²²
1,475 Felony Cases
Oregon

<i>Occupation Group</i>	<i>1,341 Males</i>	<i>134 Females</i>
Unskilled	58.2	81.4
Skilled	36.3	14.2
Business-professional	5.3	4.4

More important is the age distribution in relation to the occupational status:

Occupation and Age²³
1,601 Felony Cases
Oregon

<i>Occupation Group</i>	<i>Median Age</i>	<i>Mean Age</i>
Unskilled	25.43	28.26
Skilled	28.41	31.04
Business-professional	36.38	38.41

The unskilled, being the most youthful group, is bound to have the highest crime rate; it is exactly the contrary with the business-professional group. The decade which lies between the

18. R. H. Beattie, "Influence of Age, Nationality and Occupation on the Disposition of 1,771 Felony Cases." Thesis, Oregon, 1931.

19. Laborers, porters, domestics of all kinds, seamen, janitors, gardeners, chauffeurs, taxi drivers, newsboys, theater hands, fishermen, farmers, students.

20. Artisans, and commercial employees, bakers, butchers, carpenters, electricians, mechanics, railroad engineers, lumberers, building trade workers, radio repairmen, orchestra players, window trimmers, candymakers, clerks, salesmen, stenographers, bookkeepers.

21. Businessmen, lawyers, doctors, dentists, teachers, nurses, ministers.

22. R. H. Beattie, *op. cit.*, p. 26.

23. *Idem*, p. 29.

two occupational groups is as important as the economic contrast.

The foreign-born belong to a larger extent to the unskilled; the few Orientals in Oregon, having a low crime rate, as we know, have a much more advantageous occupational status than all other races and nationalities. The Canadian English share this preference.

Occupation, Nativity and Race²⁴

Oregon

1,620 Felony Cases

(Per Cent)

<i>Occupation Group</i>	<i>U. S. White</i>	<i>U. S. Negro</i>	<i>Oriental</i>	<i>Canadian English</i>	<i>European</i>
<i>Number</i>	1,372	67	43	37	101
Unskilled	55.9	100.0	55.8	46.0	76.2
Skilled	38.0	—	20.9	43.2	21.8
Business- professional	6.1	—	23.3	10.8	2.0

Although the small homicide figures may be statistically not quite reliable it is most interesting to learn how six main crimes are distributed among the occupation groups.

Some Main Crimes and Occupation²⁵

Oregon

1,621 Felony Cases

(Per Cent)

<i>Occupation Groups</i>	<i>All Crimes</i>	<i>Homi- cide</i>	<i>Rob- bery</i>	<i>Bur- glary</i>	<i>Lar- ceny</i>	<i>Sex Crimes</i>	<i>Other Of- fenses</i>
Unskilled	58.8	33.5	71.3	74.7	64.7	54.6	38.7
Skilled	35.0	44.5	28.7	25.3	30.0	35.4	34.1
Business- professional	6.2	22.0	—	—	5.3	10.0	27.2

The professional group shows a high crime rate in homicide, sex crimes, and "other crimes"—probably mainly embezzle-

24. *Idem*, p. 31.

25. *Idem*, p. 49.

ment, fraud, and forgery. The unskilled—a youthful group as we already know, and economically underprivileged as we may assume—excels in robbery and burglary.

A considerable number of difficulties must be surmounted if we try to complement the crime picture by looking for other sociologically important phenomena—suicide and insanity, for instance—by occupation. Frenay has reported New Jersey figures (1919–23) but the numbers of suicides and of men employed in certain occupations are too small to serve as basis for a scientific interpretation.²⁶ United States mortality statistics do not consider the occupation. The best data available have been published by Dublin and Bunzel and are taken from British computations.²⁷

Suicide and Occupation
Males Aged 20–65
Standardized Mortality; All Occupied and
Retired Civilian Males Taken as 1,000
England and Wales 1921–23

Professional Group

Medical practitioners	2,012
Solicitors	1,654
Local authority officials	926
Teachers	918
Civil service officials	770

Trade

Inn, hotel keepers	2,609
Wholesale, retail dealers	1,621
Commercial travelers	1,514
Insurance agents	1,358
Bank, insurance clerks	1,272

Agriculture

Farmers and their relatives	1,235
Agricultural laborers	1,000

26. Frenay, *Suicide Problem in the United States*, pp. 87–99.

27. Dublin and Bunzel, *To Be or Not to Be*, p. 399.

Communication

Livery, and garage proprietors	1,428
Dock laborers	1,095
Chauffeurs	959
Locomotive engineers, firemen	498
Bargemen, boatmen	453

Manufacturing

Cotton spinners and piecers	1,305
Boiler makers	1,045
Iron and steel mill workers	963
Machine tool workers	881
Chemical workers	436

Extraction of Minerals

Coal miners	856
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Artisan Group

Shoemakers	1,239
Tailors and pressers	1,218
Electricians	1,099
Bakers and pastry cooks	1,074
Gardeners	971
Painters	922
Blacksmiths	864
Printers	782
Carpenters	765
Bricklayers	720

The high suicide rate of doctors and lawyers is less surprising²⁸ than the figures of innkeepers and wholesale and retail dealers.²⁹ Among innkeepers and garage proprietors are not a few "retired" criminals; among the commercial travelers and insurance agents—in Europe at least—a percentage of useless fellows. The high suicide rate of cotton spinners is startling; and, among the artisans, that of shoemakers and tailors. The virtual suicide immunity of chemical workers and all people who are employed in running railways such as officials, station

28. In view of their higher age level and the strain of their occupations.

29. Among them dealers in fish and meat have a very high suicide rate (1,621), followed by dealers in textiles and clothing (1,440).

masters, conductors, brakemen, porters or cleaners is perplexing.

Official figures of insanity by occupation are not published in the United States. I have reported a seven-year average (1904-10) for the German state of Baden. The professional group tops the list, especially on the female side;³⁰ since this group as a whole is older its admission rate to asylums would naturally be larger, but other factors, of course, are in operation.

The occupational group "Army and Navy" has caused special interest by its high suicide rate. The Surgeon General of the United States Army reported for 1924³¹ the following figures:

1914-16 (prewar)	0.67 per 1,000 officers
	0.49 per 1,000 white enlisted men
1917-19 (war)	0.34 per 1,000 officers
	0.13 per 1,000 white enlisted men
1920-23 (postwar)	0.39 per 1,000 officers
	0.30 per 1,000 white enlisted men

The report says that during war the class of white enlisted men, being a true cross-section of the population, "was necessarily of a higher class than during either the pre-war or post-war periods."³² The remark passes by the officer group. The officer suicide rate rose to .95 in 1927, the white enlisted men's rate to .43 in 1929.³³

Soldiers are young people, with all economic cares removed. It is the more striking, therefore, that everywhere the suicide rate of the soldier is higher than that of the males of the general population. "In 1929, the rate among officers and enlisted men in the United States Army was 39 per 100,000 as

30. Hans von Hentig, *Strafrecht und Auslese* (Berlin, 1914), p. 45.

31. Quoted by Frenay, *op. cit.*, pp. 98, 99.

32. Why are the figures so much lower during the postwar period than in the prewar years?

33. Dublin and Bunzel, *op. cit.*, p. 406. Dublin and Bunzel, justly I believe, think that "part of the decrease during the war years is undoubtedly due to the fact that suicides in the military forces are not at such a time accurately or completely recorded" (p. 113). The violent fluctuations of officer suicide figures (in 1927 . . . 95 per 100,000; in 1929 only 26 per 100,000) may be attributed partly to technical factors.

compared with 27 among males of approximately the same ages—20 to 54—in the general population.”³⁴ Among the various arms of the service the medical corps has by far the highest rate;³⁵ it is followed by cavalry, artillery, and finally the foot soldier.³⁶

The militarized police of Prussia oscillated between 0.95 per 1,000 (1924) and 0.66 (1927), as compared with a civilian rate of 0.45–0.46 (1927–29).³⁷ Loose conduct and fear of punishment were the cause of suicide in 42% of all cases. In 17.1% a criminal trial was imminent.³⁸

2. *Psychology of Vocation*

The effect of his occupation on a person is twofold. Occupations attract certain human types; they are selective to a certain degree. The terms “vocation” and “calling” express the idea that the occupation appeals to specific individuals and draws them into its orbit as does the lodestone rock of the fairy tale. To the selective function of an occupation is added the formative virtue. Vocations model human beings. By long observance and practice traits are developed which become characteristic of the vocation. Novels and dramas make frequent use of the old professor, general, actor, or preacher. Occupational formalizations in identical attitudes, thinking, and acting have nearly obliterated the individual picture. Lipmann has pointed out that the old bachelor presents similar man-

34. *Idem*, p. 112. The upper age limit used in the comparison 20–54 is much too high and produces military suicide figures which are relatively too low.

35. E. Roesner, Article. “Selbstmord” in *Handwörterbuch der Kriminologie* II, 568, reminding us of the high suicide figures of English doctors.

36. The infantryman who bears the physical brunt of the fight has the same vitality as the English coal miner and the American Negro.

37. The basis is the population of male sex of 20 to 60 years, which is again contestable. A more correct range would be 20 to 35, which would, however, offer a much greater span between police and civilian suicide tendency. Roesner, *loc. cit.*

38. Roesner, *op. cit.*, p. 569. See the high suicide rate of “public service” in Seattle. Calvin F. Schmid, *Suicides in Seattle, 1914–1925* (University of Washington Press, 1928), p. 43. The group tops the list, since agriculture and mining data cannot be presented in an urban area virtually without an agricultural or mining population, though receiving and letting out thousands of migratory farm hands, lumbermen, and miners. See also the extremely high suicide figures for Italy given by Cavan (*Suicide*, p. 322). The police head the list, together with capitalists and café-hotel personnel.

nerisms.³⁹ These are, of course, not occupation-bred but the result of an existence not continually corrected by a partner in life.

Although we have returned to the notion of an illegitimate occupation, the number of "infamous"⁴⁰ occupations was rather extended in old India,⁴¹ old Palestine, and medieval Europe. We learn that Jesus was blamed for not avoiding the tax-gatherer.⁴² A stringent Jewish law classified tax collectors with robbers.⁴³ "The tax-gatherer was ineligible to serve as judge or even as a witness. If one member of a family was a tax-gatherer, all its members were liable to be considered as such for the purposes of testimony, because they would be likely to shield him."⁴⁴

Other occupations degrading to the old Jews partly betrayed a certain disposition, partly led into temptation, and were therefore to be shunned. "All work connected with weaving," writes A. Cohen, "was despised as being unmanly, and therefore men engaged in this occupation were always of the lowest strata of society. It was forbidden to listen to their songs."⁴⁵ No man, according to another rabbinical passage, should teach his son to be an ass driver, a camel driver, barber, sailor, shepherd, or shopkeeper, "for their trades are those of thieves."⁴⁶

All professions which involved frequent contact with women were discouraged. Such occupations were the goldsmith, wool carder, maker of hand mills, perfumer, hairdresser, fuller, cupper, and bath heater. "None engaged in these trades could be elected to the office of king or high-priest."⁴⁷

39. Otto Lippmann, "Psychologie der Berufe in Kafka" *Handbuch der vergleichenden Psychologie* (Munich, 1922), II, 461.

40. The German term *unehrlich* comes close to the meaning of taboo.

41. In ancient Hindu law, actors, singers, and snake catchers were not allowed to give evidence, nor were people like ascetics who had no experience of the world. Jolly, *Hindu Law and Custom*, p. 305.

42. Luke 5:30; 19:2-7; 18:11; 15:2; Matthew 11:19.

43. Article "Tax-gatherers," *Jewish Encyclopedia*, XII, 69. "The fact that they were helping the Romans in the exaction of the heavy taxes imposed upon the Jews, combined with the rapacity of some tax-collectors . . . rendered this class of officials hateful to the people."

44. *Ibid.*

45. *Ancient Jewish Proverbs*, p. 36.

46. The pessimistic judgment continues: ". . . the best of physicians is destined for Gehenna, and the most honourable of butchers is a partner of Amalek." *Idem*, p. 82.

47. *Idem*, pp. 82-83.

The weaver shared in the contempt of the masses during the Middle Ages. In some mediæval towns it was the obligation of weavers to set up the gallows. Millers and weavers were said to be frequent cheats, defrauding those who brought them materials to be ground or worked up. Nor were butchers or fishermen much respected. The former were for a long time excluded from serving as jurors in England. It was an old rule of the City of London that no member of the guild of fishermen could become Lord Mayor of London. Professional killing, even if excusable, was at the bottom of this aversion.

The prototype of a tabooed occupation is that of the hangman. The mere touch of the hangman has been defiling in all ages.⁴⁸ The white gloves worn by the executioner in some European countries may be regarded as a favor to the dying man, who is spared the physical contact. Anyone somewhat acquainted with the history of crime during the Middle Ages knows that the hangman was himself frequently executed, for sorcery or some other crime and that insanity or suicide were no rare occurrence in executioners. Peculiar individuals sought the bloody occupation; and its practice, embracing an elaborate assortment of death penalties, added a new strain to the morbid disposition.

To the miller⁴⁹ and the weaver⁵⁰ proverb has appended the tailor,⁵¹ sometimes the baker.⁵² The explanation usually given is that these four occupations came to be regarded as dishonest because they gave opportunity for embezzlement of committed raw materials.⁵³ Actors and itinerant musicians, shepherds and keepers of towers—who made money by accepting bribes from lovers and enemies—shared the disgrace. Where the bad reputation of the ferrymen comes from is hard to say. It goes back into darkest antiquity.

48. Angstmann, *Der Henker in der Volksmeinung*, pp. 80 ff.

49. "Many a miller many a thief." Apperson, *Proverbs*, p. 417.

50. "Put a miller, a tailor and a weaver into one bag, and shake them, the first that comes out will be a thief." *Idem*.

51. "Nine tailors make a man" See Carlyle's story: "Does it not stand on record that the English Queen Elizabeth, receiving a deputation of Eighteen Tailors, addressed them with a "Good morning, gentlemen both." *Idem*, p. 446. A Basque proverb says, "A tailor is not a man, he is in fact only a tailor." Champion, *Racial Proverbs*, p. 16.

52. "Muller und Backer stehlen nicht, man bring't's ihnen." Millers and bakers do not steal, they are brought the booty. Simrock, *Sprichwörter*, p. 384.

53. Seiler, *Deutsche Sprichwörterkunde* (Munich, 1922), pp. 339-340.

3. *Crime and Selected Professions*

The inadequacy and dissimilarity of our material forbids any attempt to give a complete picture of delinquency as related to profession. Some vocational groups present in themselves the depth and the height of our economic structure, as do bankers and peddlers, waiters and college presidents. Operatives are younger than craftsmen, etc. There is a race and nativity pattern of occupational groups.

Occupations, United States⁵⁴
By Race and Nativity
1930
(Per Cent)

<i>Occupational Group</i>	<i>Native</i>	<i>Foreign-born</i>	<i>Negro</i>
	<i>White</i>	<i>White</i>	
Agriculture	21.4	9.1	36.1
Manufacturing	27.5	44.1	18.6
Professional services	7.9	4.4	2.5
Domestic services	6.6	12.7	28.6

Under these circumstances it is an impossible endeavor to construct a common basis—embracing about the same economic status, age, race, nativity, and so forth. The only way out of this dilemma would be to select one occupation group; for instance, that representing professional and related services. There would be a certain similarity in age, a relatively high economic status, and a predominance of native white; the educational status would not differ too much. It is true that the detection and the conviction rates cannot be the same for, say, a doctor and a lawyer. These uncertainties, however, can never be eliminated or expressed in statistical magnitudes.

Warden Lawes, in surveying his 5,000 prisoners admitted to Sing Sing in the years 1923–27, took note of their occupational status. He made a selection from 300 different occupations and I have further reduced the number.

54. Figures in *Negroes in the United States 1920–1932* (Washington, 1935), p. 290.

Occupation and Specific Crimes, I⁵⁵
Sing Sing

<i>1927 Average Expectancy</i>		<i>Merchants and Salesmen</i>	<i>Bankers and Brokers</i>	<i>Doctors and Dentists</i>	<i>Lawyers</i>
Robbery	0.24	—	—	—	—
Larceny	0.25	0.42	0.72	0.37	0.62
Forgery	0.04	0.08	0.21	0.12	0.26
Burglary	0.19	0.15	—	—	—
Assault	0.09	0.08	0.02	0.08	—
Homicide	0.06	0.05	0.01	0.31	0.01
Sexual	0.06	0.04	0.01	0.04	0.03

Occupation and Specific Crimes, II

<i>1927</i>		<i>Policemen, Chauffeurs</i>			
<i>Average</i>			<i>Peace</i>	<i>Auto</i>	
<i>Expectancy</i>		<i>Preachers</i>	<i>Officers</i>	<i>Mechanics</i>	<i>Farmers</i>
Robbery	0.24	—	0.02	0.47	—
Larceny	0.25	0.09	0.21	0.23	0.15
Forgery	0.04	0.02	—	0.01	0.02
Burglary	0.19	—	0.02	0.10	0.28
Assault	0.09	—	0.10	0.08	0.21
Homicide	0.06	0.01	0.24	0.06	0.16
Sexual	0.06	0.84	0.19	0.05	0.14

In the groups of "public service" and "professional service" there are the clergymen,⁵⁶ the technical engineers,⁵⁷ the teachers⁵⁸ and others who apparently do not play a prominent role in delinquency. On the other hand, there are those—the police,⁵⁹ the lawyers and judges,⁶⁰ the physicians and dentists⁶¹—

55. Lawes, *Life and Death in Sing Sing* (New York, Doubleday, Doran & Co., 1928), p. 43.

56. 140,077 in 1940. *Statistical Abstract of the United States 1946* (Washington, 1946), p. 179.

57. 252,828 in 1940. *Ibid.*

58. 1,076,001 in 1940. There were 806,860 female teachers. *Ibid.*

59. 176,988 in 1940 (marshals, sheriffs, detectives, policemen). The numerous private police are not included. *Ibid.*

60. 180,483 in 1940. *Ibid.*

61. 225,630 in 1940. *Ibid.*

group "domestic service" is essentially more criminal than others. That many prostitutes come from this group is undeniable, yet here most diverse forces combine: migration from urban to rural areas, familial and personal uprooting, the longing for a life of pleasure, and so forth.

Women who have to concentrate on a difficult task are easily tempted to use drugs.¹³⁶ This is especially true with nurses. The intercourse with helpless and weak people may produce a spirit of domination and superiority. Some female types are attracted by this dictatorial possibility. Life and death do lose their original meaning when daily and hourly met with.¹³⁷ It has been maintained that of all occupations, nurses dominate in "get-acquainted clubs."¹³⁸ Thus, next to so much self-sacrifice there is a certain amount of delinquent tendency. Poison is, of course, a handy instrument.¹³⁹

It would be useless to attempt an examination of the great vocational groups of farming, manufacturing, trade, and communications, since these embrace all ages and all economic levels. Some occupations are a "front"; they permit the criminal to enter our habitation, or our room when we go to a hotel. Waiters and bellboys have been known to exploit their position.¹⁴⁰ Ferrier of Scotland Yard has stated: "Frequently a

136. "Then we have a record of waitresses and circus performers who used opiates when they were tired, or to pep them up for their work." Harris, *op. cit.*, p. 320.

137. See the cases of criminal nurses in Folsom, *Studies of Criminal Responsibility*, pp. 68 ff. and 108 ff.; C. L. McCluer Stevens, *Famous Crimes and Criminals* (New York, Duffield & Co., 1924), p. 237; Neil, *Man-Hunters of Scotland Yard*, p. 245. An interesting murder case in which a male nurse and morphinist was involved has been recounted by Krafft-Ebing, *Lehrbuch der gerichtlichen Psychopathologie*, p. 213.

The baby-farmer (see Neil, *op. cit.*, p. 171) and the equally dangerous farmers of old and decrepit people (see E. H. Smith, *op. cit.*, pp. 265 ff.) belong sociologically in the same category. We hear of the baby-farmer Amelia Dyer: "Some of the new-born children she sent away. Others who 'died' at birth, were, by an arrangement with a local undertaker, buried with an adult in the same coffin." Neil, *op. cit.*, p. 171.

138. C. R. Cooper, *Designs in Scarlet* (Boston, Little, Brown & Co., 1939), p. 190.

139. See the cases of Marie Jeanneret (Switzerland), Jane Toppan (Boston), and Catherine Wilson (England) in Folsom, *op. cit.*, pp. 68, 108, and Stevens, *op. cit.*, p. 237.

140. See Ferrier, *op. cit.*, p. 82, for the case of a high-class jewel thief; also Sutherland, *op. cit.*, p. 23.

trade is chosen which will enable the man to gain admittance to houses under the guise of legitimate business. . . ." ¹⁴¹
"Many of the cleverest of the fraternity [of burglars] . . . have cloaked their real calling with some respectable trade." ¹⁴²

141. Ferrier, *op. cit.*, p. 47. "One very versatile jewel thief was Vernon Trussoll. He was a competent musician, and was accustomed to offer his services at a very low rate as a piano tuner." *Idem*, p. 80.

142. ". . . they therefore become plumbers, blacksmiths, painters, joiners or electricians." *Idem*, pp. 46-47.

CHAPTER X

Religiosity and Crime

1. *An Insolvable Task*

It is not difficult to get prison figures on religion by asking each inmate to what religious group he wants to be ascribed. We have, furthermore, statistics on religious bodies, gathered every ten years. To arrive at reduced crime data by religious group seems to be feasible.

Yet as soon as we enter somewhat more deeply into the problem, doubts and uncertainties begin to assail us from all sides. What may be called "general population," religiously speaking, is not a survey of the whole population but only of those individuals who are formally members of church bodies. Taking a few states at random we see that less than half the total population is affiliated with church bodies and thus enumerated from the point of view of religion in our statistical publications.

Religious¹ Church Membership in Total Population, 1936²

	<i>Per Cent</i>
United States	43.7
Massachusetts	60.9
New York	55.0
Pennsylvania	54.4
Colorado	33.0

Wherever we deal with the religious structure of a given area we must keep in mind a considerable vacuum, and all percentages by church bodies must take into account this 40-60% of persons who remain unknown and indefinite as far as their re-

1. Computed from figures in *Religious Bodies: 1936* (Washington, Bureau of the Census, 1941), I, 17, 182 ff., 224 ff., 254 ff., and 280 ff.

2. The population increase in the decade 1930-40 was halved and added to the figures of 1930.

ligiousness is concerned. The only thing we know is that they do not belong to a religious congregation, or do not live in communities where there are congregations.³

The second difficulty is that membership in a group does not necessarily imply religious fervor; it is often socially and economically advantageous to join a church congregation. Churches give opportunity for personal contacts, recreation, the practice of artistic abilities and educational inclinations. A man, on the other hand, who is not formally a member of a religious body may in his way be ardently religious. Membership, although indicative where it implies more duties than convenience, as in the Salvation Army, is not a safe psychological criterion.

There are other perplexities. It is true that we have a few figures on age distribution, sex ratio, and urban or rural background.⁴ The most recent statistics tell us that on the average "17.6 percent of the members whose ages were reported were under 13 years of age. This portion varies decidedly from denomination to denomination. For Catholic bodies the ratio was relatively high, being 27.4 percent for the Roman Catholic Church."⁵ It is obvious, of course, that figures of prisoners cannot be compared with data on church members who are to a large degree children. Baptists, on the other hand, for obvious reasons have a very small child membership, and so have Methodists. The Lutherans approach the Catholic rate.

Of the sex ratio in religious bodies we learn that on the average there are "five women members for each four men."⁶ Prison figures comprising mostly males are unsuited for comparison with a population predominantly female.⁷ Hebrew sex ratios have not been disclosed for 1926 and 1936,⁸ but there is a very large surplus of females among Baptists and Methodists,⁹ fewer with Catholics and Lutherans.

3. *Religious Bodies* limits the figures of Jews to those in communities where there are congregations. *Idem*, I, 90.

4. *Religious Bodies: 1936*, I, 90 ff.

5. *Idem*, p. 20.

6. *Idem*, p. 23.

7. See S. Glueck and E. Glueck, *500 Criminal Careers* (New York, Alfred A. Knopf, 1930), p. 132.

8. "The Jewish congregations . . . did not report their membership by sex." *Religious Bodies*, I, 23. Nor was age reported. *Idem*, p. 91.

9. Which tends to lower unduly the apparent crime figures of such groups;

The members of religious denominations are unequally distributed by urban and rural areas. The Catholics and especially the Jews live in urban areas;¹⁰ only Baptists and to a lesser degree Methodists dwell rather in the country than in towns and cities.

Members of Church Groups¹¹
by Urban and Rural Areas
1936

Per 100 urban population	53.7
Per 100 rural population	30.8

The picture grows still more confusing when the racial factor is added, when nativity and immigration problems are included, and when the minority status of some religious bodies is taken into account. A large number of Baptists and Methodists are colored;¹² the recent immigration from the south and east of Europe has been predominantly Catholic; Catholics and Jews have to struggle with the manifold hardships that attend the life of conspicuous minorities, religious or otherwise.¹³

But this is not all. No trace of the unequal distribution of economic conditions is visible behind the wall of religious membership. If we could establish this single force accurately enough by members of religious groups we would be much closer to our goal. As things stand now we can only say that Baptists, Methodists, and Catholics probably represent the poorer strata of

but the incredibly high total figure of "not reported," by sex (10,029,328 in 1936), brings an element of uncertainty into the whole situation. To this 18% sex "unknown" add the 20% of "age not reported." *Idem*, I, 87.

10. Less than 1% of the Jewish church members live in rural areas, and about 80% of the Catholics are city dwellers. *Idem*, I, 90, 97.

11. Computed from figures in *idem*, II, Pt. 2, 1087.

12. The Negro Baptists are mostly rural and have a considerable surplus of female church members.

13. Nelson has maintained (*Prison Days and Nights*, p. 120) that most gangsters "were brought up in the Catholic faith" and thus because they felt rejected by the majority of members of the community they developed inter-tribal loyalty and close cohesion. Yet this is only one of many factors: economic pressures, urbanism, foreign nativity, slum life and ethics, large families, and so forth. That the Catholic group is relatively an eminently male group has already been pointed out by Leo Kalmer (*Crime and Religion* [Chicago, Franciscan Herald Press, 1936], p. 91) and is confirmed by the most recent statistics (*Religious Bodies: 1936*, I, 97). The large number of "not reported" cases, it is true, imposes some reserve.

society and that this potent disposition of economic forces must be reflected by their crime figures. Unhappily we are not able to compare Catholic, Episcopalian, and Jewish unemployed, or Jewish, Episcopalian, and Catholic bank presidents.

There is one last point. The membership of a religious group is nothing stable, as sex, race, or nativity would be. It is like the vocational status in the United States, mobile, shifting, variable.¹⁴ There are changes of religion; a migratory element enters into our beliefs, or at least our affiliations. The child is still counted in the group whether he wants to be or not. When he comes of age, religious convictions may be revised or group membership changed or dropped. Hence the enormous number of persons who decide to forego religious affiliations; European conditions are somewhat different. It is obvious that a Catholic who is a Protestant convert, or the Jew who is a Catholic convert is not sociologically representative of the group he may have entered only a short time before, any more than babies can be included in any form of social responsibility.

Religion, Reformatory Inmates and
Parents of Juvenile Delinquents
(Per Cent)

<i>Religion</i>	<i>Reformatory Group</i>	<i>Parents of Juvenile Delinquents</i>
Protestants	28.6	10.5
Catholic	66.3	73.7
Hebrew	3.9	13.3
Other	1.2	—

There is a good illustration of this element of shift in the Gluecks' surveys. Of course all the material does not have quite the same basis; there are age differences—one group consists of reformatory inmates, the second of juvenile delinquents.¹⁵

14. It is not so long ago that a certain state's attorney in southern Illinois ("Little Egypt") was a "professional doctor, lawyer, preacher, fiddler, and horn blower." Mackaye, *Dramatic Crimes of 1927*, p. 93.

15. Glueck and Glueck, *op. cit.*, and *One Thousand Juvenile Delinquents. Their Treatment by Court and Clinic* (Cambridge, Harvard University Press, 1934).

The figures may, nevertheless, be confronted and discussed.

I have combined the percentages of reformatory inmates as given by the Gluecks with those of parents of juvenile delinquents, by religious affiliation in the table on page 332.¹⁶

Since the factor of religion was known in only 926 out of 1,000 cases I should prefer to present the percentages in a different way:

Religion, Reformatory Inmates and
Parents of Juvenile Delinquents
(Per Cent)

<i>Religion</i>	<i>Reformatory Group</i>	<i>Parents of Juvenile Delinquents</i>
Protestant	28.6	9.7
Catholic	66.3	68.3
Hebrew	3.9	12.3
Unknown	1.2	7.4 (2.3 mixed marriages)

Between the two generations something has happened to the Protestants and the Jews; the Hebrews have decreased and the Protestants increased. It may be assumed that some changes of religion have taken place in the young generation, while the old people still cling to their beliefs.¹⁷ Unfortunately figures are not available which would show the religious status of the juvenile delinquents themselves. Of course, all these percentages do not amount to anything as long as the corresponding conditions in the general population are unknown, and even then their significance is most limited.

In presenting population figures we must beware of omitting that large proportion of "unreported affiliation," since we need the whole general and whole prison population, whether they report membership or not. The rate has changed substantially, although the interval of 20 years must be considered.

16. Figures from *500 Criminal Careers*, p. 132, and *One Thousand Juvenile Delinquents*, p. 67.

17. A complicated process, since there are conversions, reconversions, and proselytes to Judaism, largely females. Some figures in Israel Cohen, *Jewish Life in Modern Times* (New York, Dodd, Mead & Co., 1914), pp. 300 ff.

Religion in General¹⁸ Population,
Massachusetts 1916(?) and 1936
(Per Cent)

1916(?) (<i>Glueck</i>) ¹⁹		1936 (<i>Hentig</i>) ²⁰
Protestant	25.2	15.3
Catholic	66.4	39.6
Hebrew	6.7	6.0
Other	1.7	39.1
Population total	100.0	100.0

This rather low third of nonaffiliations with religious bodies must remain a perpetual factor of uncertainty and defy any attempt to approach the problem by statistical methods. It would not be so bad if we met about the same proportion in penal institutions. Here, however, although still apparent in county jails, this category shrinks in general to an insignificant residue. Convicts seem thus to be more religious-minded than law-abiding people, a distressing result.

Leo Kalmer has told the story of this shrinking group of nonreligious prisoners.²¹

The parole law went into effect in Illinois in 1895. Previous to that time the percentage of church affiliations on the Joliet records for all denominations put together, was 37.08%—therefore, below the percentage of church affiliation for the country at large, which is about 40%. At that approximate level the church affiliation records had remained for all the sixteen years prior to 1894.

In 1894, however, the record for church members suddenly rocketed up to 80.52%! In 1910 it exceeded even 99%, . . . which means that since 1894 church affiliation records at Joliet-Stateville have increased fully 260%. Had the underworld suddenly got religious? Not at all. But the criminal world now knew that not only a good record in prison could help a prisoner regain his liberty, but also outside influences and agencies, including politi-

18. Glueck and Glueck, *500 Criminal Careers*, p. 132.

19. The Gluecks do not give the year but quote as source the *World Survey* published in 1920, which makes an earlier year probable.

20. From figures in *Religious Bodies: 1936*, I, 224 ff.

21. Kalmer, *op. cit.*, pp. 24-25.

cians, charity workers and others, and not least church organizations, who might interest themselves on the prisoner's behalf before the board of parole. . . . Hence the very pardonable effort of incoming prisoners to line up as many friends as possible, especially among charity and church workers; in particular their effort to get the good will of the chaplain, the effort to appear as religious as might be . . .

In private investigations in which the individual is not made conspicuous prisoners are still met who admit that they are religiously indifferent.²² But even their number remains below the irreligiosity level of the general population, as can be seen by Root's interesting figures, while the shrewdest of all, the embezzlers and frauds, do not concede religious indifference even under these safe circumstances:

Religious Indifference and Crime²³
Compared with Median Intelligence Quotient

<i>Crime</i>	<i>Percentage of Religious Indifference</i>	<i>Median Intelligence Quotient</i>
Robbery	18	84.3
Larceny	18	78.3
Burglary	25	81.75
Embezzlement	—	103.75
Forgery	14	83.75
Homicide	11	70.9
Fel. assault	21	68.3
Rape	13	72.8
Sodomy	43	72.1
Pandering	—	75.0

There is some relationship (note the embezzlement figures, for instance) but there are contradictory currents when we arrive at the sex crimes and the crimes of violence.

It appears that superior intelligence as well as mental debility may lead to the same result: the declaration of the prisoner

22. William T. Root, Jr., *A Psychological and Educational Survey of 1916 Prisoners in the Western Penitentiary of Pennsylvania* (Pittsburgh, Board of Trustees of the Western Penitentiary, 1927), p. 192.

23. *Idem*, p. 52.

that he is religiously indifferent. Rape, sodomy, and felonious assault have a high rate of feeble-mindedness, but deep-seated organic impulses (epilepsy for instance) may clash with the demands or failings of a good intellect. Morbid expansiveness always tends to prepare the path for aggression and for ecstatic, religiously colored conditions. Root is inclined to attribute religious indifference to a general devil-may-care disposition.²⁴

This indifferent group is indifferent from lack of intelligence, lack of knowledge and lack of interest. They exhibit exactly the same colorless mental attitude in relation to politics, labor questions, social problems such as war, or industrial questions such as unemployment and depressions. Many are quite as indifferent to their own immediate physical welfare. . . . They are equally careless of their own and the welfare of others.

The theory of simple indifference in all ways of life, although partly correct, does not take into account the political element in the statements of the prisoners. The shrewdest of them—the embezzlers and confidence men—see and utilize the chances of a religious attitude for their release. The sodomists, in contrast, when we consider their stated indifference may be assumed as not being too eager for discharge. It is known that only the most feeble-minded of this type are confined and that some of them, entering all-male surroundings, prefer the monopoly of prison to the competitive hardships of freedom.

2. Statistical Data

We have seen that there cannot be sound and solid comparison when the two elements to be compared are fundamentally unequal and, except for the religious label, extremely vague. This negative verdict holds particularly true in the United States, where the religious survey of the population is limited to voluntary statements of church bodies and where the prison population regards assertion of a religious affiliation as a smart move in the incessant fight for release.²⁵ Some men, of course,

24. Root, *op. cit.*, pp. 192-193.

25. The hope of sublumary and tangible profits is well expressed in the following complaint of an imagined convict: "Yeah," says Number Nineteen, "and what about the ministers? Take the chaplain here, for instance. He's supposed

go through a religious crisis or revival, others enjoy the refreshing variety of the church service.

Hence trying to compute crime figures by religion, using perhaps the data published by single institutions, would be vain. We would be comparing a prison group, taken from the whole of the population, with less than half of the population, disregarding age, sex, race, economic conditions, and an abundance of other facts. We would be neglecting equally the political pull of certain religious groups, by which the conviction and the confinement rate are greatly reduced. Inversely, a religious body may be largely composed of members of a minority race, and this race—the colored for instance—may experience discrimination all along the line from the policeman on the beat to the jury and the judge.

We must be on our guard against one mistake. No religious figures of a whole prison can be compared with that section of the population that has decided to join a religious body. The majority of nonchurch members must always be taken into account statistically. I shall illustrate my point by a few Massachusetts and Pennsylvania figures. I give first, again, the Gluecks' reformatory and population figures, adding my own corrected population figures from the table on p. 334; the different years will not change the result to any considerable extent:

Religion of Reformatory Group²⁶
Glueck and Hentig Population
Figures, Massachusetts
(Per Cent)

<i>Religion</i>	<i>Reformatory Group</i>	<i>Population (Glueck)</i>	<i>Population²⁷ (Hentig)</i>
Protestant	28.6	25.2	15.3
Catholic	66.3	66.4	39.6
Hebrew	3.9	6.7	6.0
Other	1.2	1.7	39.1

to be a Christian, and all like that. But what does he do for us? Not a goddam thing except give us a bum sermon every Sunday. Ask him really to do anything—and you find out he's just another one of the solid 'administration' bums. I guess the whole story is, they're all afraid of their jobs, the poor bastards. They're told to mind their own business and not to get too familiar with the cons." Nelson, *op. cit.*, p. 33.

26. Glueck and Glueck, *500 Criminal Careers*, p. 132.

27. *Religious Bodies: 1936*, I, 224.

Since we have not the slightest idea where the 39.1% of "others," or those not affiliated with any church, have actually gone, in the reformatory group, we must stop drawing conclusions. The reformatory population, in addition, is all male, while there will be five women members for every four males in the general population, perhaps slightly less because of the large number of Catholics.

Lunden's Pittsburgh figures present another instance.²⁸

Religious Preferences of
Prisoners Committed to the Western Penitentiary (1928-37)
and the Allegheny County Prison, 1940
and Population of Pennsylvania and Allegheny County

<i>Religion</i>	<i>Peni- tentiary</i>	<i>Population Penn- sylvania</i>	<i>County Prison</i>	<i>Population* Allegheny City</i>
Protestant	64.3	27.8	49.6†	20.4
Catholic	33.0	23.3	46.0	25.2
Hebrew	1.2	4.3	1.3	4.1
Orthodox	—	—	0.8	0.5
Others or none	1.5	44.6	2.3	49.3

* Computed from Lunden's data, *op. cit.*, p. 180.

† The Protestant figures were obtained by deducting the Catholics, Hebrews, Orthodox, and "no preference" from the total. A few Mohammedans, Hindus, and Chinese have thus slipped into the figures, of such minor importance, however, as not to change the result. Population figures were computed from *Religious Bodies: 1936*, I, 280 ff.

It can be easily seen that the nonchurch members in freedom have joined the Protestants and the Catholics in prison. The fragmentary and uncertain data do not admit any interpretation.

It is somewhat less hazardous to investigate the relationship of crime and religious affiliation in Europe. All European countries register the religious preference officially, and those who declare that they have no affiliation are put down as dissidents or under similar headings. Not until they reach prison do we learn, in the United States, the religious affiliation of those who are arrested or tried. European countries have care-

28. Walter A. Lunden, *Statistics on Crime and Criminals* (Stevenson and Foster Publishing Company, 1942), pp. 130-131, from unpublished data gathered by J. Amshey.

ful judicial criminal statistics, stating the religion of the defendant, so that we are allowed to look into preceding phases of the criminal procedure and do not lose sight of the countless people who are only fined or released on probation.

Aschaffenburg reports the following older data:²⁹

Convictions by Religious Affiliation
per 100,000 of Each Group
1892-1901

Protestants	1,122
Catholics	1,361
Jews	1,030

These and other investigations show the highest crime figures on the Catholic side; the Protestants follow, and the least criminal are the Jews. It would be most incorrect to accept these figures without qualifications locating the real causative trends very far from the formal religious affiliation.³⁰ It is with these profounder sources of conduct that we have to deal, not the mere front.

That economic conditions are the strongest criminogenic force behind the label of religion is not hard to prove. When Aschaffenburg's figures were taken, the poorest sections of Germany were the eastern provinces, mostly inhabited by Poles; they were Catholic.³¹ The poorest stratum of the Hungarian

Persons³² 20 Years of Age and More
Having Received a University Education

	Per Cent
Greek Catholic	0.8
Protestants	1.7
Roman Catholic	1.3
Jews	5.0

29. *Das Verbrechen und seine Bekämpfung*, p. 58.

30. Ervin Hacker, *Der Einfluss der Konfession auf die Kriminalität in Ungarn* (Miskolc, 1930). Alexander Elster, "Religion, Konfession, Weltanschauung," *Handwörterbuch der Kriminologie*, II, 489 ff.

31. "In Frankfort it was found that in 1900, 11.54 per cent of the Protestants, 5.79 per cent of the Catholics, and 32.4 per cent of the Jews paid on an income of over 6,000 marks annually." Maurice Fishberg, *The Jews; a Study of Race and Environment*, p. 366.

32. Walter Mannzen, "Konfession und Kriminalität," *Monatsschrift für Kriminalpsychologie*, 1932, p. 367.

population is the Greek-Orthodox. Immediately they take the lead and leave the Roman Catholics behind in the crime rate. Educational opportunities also vary with the varying religious group.

The occupational distribution,³³ the alcoholic habits, and the age structure and sex ratio play a large role.³⁴ The rate of illegitimacy differs fundamentally between Catholics, Protestants, and Jews; we have evidence from most countries, the most startling from Austria.³⁵ Under these circumstances religion vanishes as causative factor and clears the way for a plurality of other contributory forces.

The conclusion seems acceptable that since the burden of crime should not fall on religious groups per se, the same discretion should be maintained when it comes to suicide and insanity. The insanity and the suicide rate of Catholics is low,³⁶ the Jews, at least in the great industrialized countries, show high insanity and suicide figures.

Prussia, 1919-23³⁷
Suicide by Religion
and per 100,000 of Each Group

Protestants	25.0
Catholics	10.5
Jews	41.6

American figures for suicide and insanity as related to faith cannot be computed, since less than half the general population cares to state a religious affiliation, whilst this reduction does not take place on the side of our suicide and insanity statistics.

33. See Rudolf Wassermann, *Beruf, Konfession und Verbrechen* (Munich, 1907), p. 30.

34. The age and sex ratio of the Jewish population in Germany differed considerably from that of the general population; there were more males and more older people. Figures in *Statistisches Jahrbuch . . . 1935*, p. 15.

35. According to older figures (1874-78) there were 11.8% Jewish, 23.1% Protestant, and 44.2% Catholic illegitimate children in Vienna. Quoted by Aschaffenburg, who adds Prussian and Russian figures. *Op. cit.*, p. 63.

36. Roesner, "Selbstmord," *Handwörterbuch der Kriminologie*, II, 565. See further Dublin and Bunzel, *To Be or Not to Be*, pp. 115 ff., and Frenay, *The Suicide Problem in the United States*, pp. 161 ff.

37. Roesner, *loc. cit.* See further Dublin and Bunzel, *loc. cit.*, and Frenay, *loc. cit.*

Israel Cohen has discussed the reasons why Jewish insanity figures are high in spite of the infrequency of alcoholism and syphilis.³⁸ He has omitted the age factor; a large proportion of our admissions to asylums are for senile disorders, and whenever a group is older, these psychoses must increase. Urbanism, the occupational structure, and the minority situation are contributory factors. Strangely enough, favorable economic conditions which are crime preventing turn out to promote nervous breakdowns. There is something like a causative vacuum, and among the many possible explanations religious belief may have its place; evidence is the very low suicide rate of the colored people.

3. *The Social Potentialities of Religion*

Any attempt to establish which religious affiliation has the strongest effect in stabilizing and humanizing social groups must fail. The causative nexus soon becomes so intricate that we must desist from the effort to sift out comparable elements which would permit of a scientific interpretation.

Personal religion is utterly different from membership in a religious group, although group contact may kindle the religious feeling and keep it aflame. Religiousness may be merely an emotional state, operating with quasi-magic gestures and rites and therefore socially neutral.³⁹ It has been a powerful reformatory, momentary or permanent, in many cases. It prepares the individual for guidance and achievement, but this emotional fervor goes with certain forms of misconduct.⁴⁰ One remembers the high sex crime rate of preachers confined in Sing Sing.

It is not easy to make a clear distinction between the genuine

38. He writes, "Distinguished by the superiority of their nervous over their muscular system, they are more prone to mental affections than other people . . . Their peculiar position in respect to these disorders is due to a combination of historic and social factors." *Op. cit.*, p. 127.

39. "It would seem that as it works in the mind of certain prisoners with low grade intelligence and abnormal emotional traits, the moral intent of the confessional and prayer are lost sight of. Instead of atonement and forgiveness being a moral stimulus because all is not lost and another chance awaits the repentant sinner; the crime or offense is committed with the comforting feeling that a purely perfunctory ritualistic form of atonement is at hand which makes sinning easy and safe." Root, *op. cit.*, p. 192.

40. See Kneeland's report on prostitution. *Ibid.*

religious drive,⁴¹ the mere "political" trick,⁴² and a situation where participation in church affairs is a mere leisure time activity. There is perhaps a fourth type of religiosity, described by Stuart Wood, who joined a prison choir and found "much real happiness of feeling myself an insignificant cog in the service."⁴³ To play some sort of role which breaks the torpescient passivity of prison life is doubtless a tremendous deliverance.

Churchgoers are in the opinion of inmates "usually the intellectually dull, the emotional, the provincial, and the aged," if there is a strong emotional urge toward religious expression.⁴⁴ It is a prison tenet that sex offenders are fervently religious.⁴⁵ Inmate observers add other categories: "Sex offenders, murderers, and embezzlers are in attendance at the service in much greater proportion than their share of the total population."⁴⁶

The embezzlers we have met before. Why the sex offender frequently turns religious is a question to be answered by the psychiatrist. The murderer, finally, is the most in need of the chaplain's recommendation. For being a "regular church attendant" convicts have been recommended by their chaplain for an act of clemency. It is unfortunate that the first earthly thought of the prisoner is to be released. Going to heaven is only the second.

41. Can real religious feeling, long dormant, be aroused by self-interest? A good political observer has noticed that "almost every President becomes religious. No matter how indifferent he may have been previously toward religion, he starts as soon as he is inaugurated to talk familiarly about God. Our worldliest and most agnostic chief rulers have done it." William Hard, *Overburdened Men in the White House* (New York, Harper & Bros., 1936), p. 533.

42. Robert Joyce Tasker maintains that even theosophical societies have saved a man's life after death sentence had been pronounced. *Grimhaven* (New York, Alfred A. Knopf, 1928), p. 140. On "steam-heat Christians" see *idem*, p. 138.

43. Stuart Wood, *Shades of the Prison House* (London, 1932), p. 198.

44. Clemmer, *The Prison Community*, p. 234.

45. "Several of the men who had been with me in the county jail became avidly religious. Without exception they were sexual offenders." Tasker, *op. cit.*, p. 136.

46. Clemmer, *op. cit.*, p. 234.

Part III

Geophysics and Crime

CHAPTER XI

Delinquency and Physical Forces

1. Climate, Natural and Artificial

THE life of animals and plants is not only affected by the physical forces that surround them but depends on incessant contact with these energies. What we call suffocation or starvation is only the forced withdrawal of these vital stimulations. Plants die without water. Plant life moves in a yearly cycle, going from birth to death, or better, from rebirth to reduced life. Animals have periods in which propagation goes on; there is a direct relationship between periods of reproduction and seasonal changes which has not yet been completely bred out of domesticated animals. During the winter many animals hibernate; they reduce the number of life-supporting stimuli to a strict minimum. With the improvement of food and weather conditions in spring the biological hoarding comes to an end.

All these physical forces around us rotate in shorter or longer periodicities. We speak of climate, meaning meteorological conditions as related to the life of plants, animals, and men. The very old attempt of mankind to emancipate itself from the rigors of climate by wearing clothes, building houses, and heating and air conditioning these shelters will no doubt still progress yet never lead to complete freedom. Some of the physical forces—temperature, rain, and wind—can be more or less handled; others, such as air pressure and air electricity, cannot be shut out by locks and doors.

The artificial devices, furthermore, designed to protect us from the hardships of climate must be acquired or purchased, and thus a grave economic problem arises. The poor are automatically poorer in winter and in a northern climate. Winter is doubled want. Having been compelled to adjust more thoroughly to cold and darkness, the poor man will be more violently affected by the advent of spring and early summer. In addition, the smoke-clouded industrial city or the darkened

cell of the prisoner presents an artificial climate in which the amount of solar energy received is curtailed. A variety of activities create their own artificial climate. High-flying airplanes and very deep mines are a heavy strain on the adaptive mechanisms of body and nervous system.

Over large areas such as the United States or Russia, climatic differentials may be observed and we can speak of a geography of criminal behavior. Before we approach this complex subject, of course, all diversities of population, race, economic conditions, and so forth should be eliminated.¹ Florence Monahan, a competent student of great experience, who had directed institutions in the Midwest, wondered why her California inmates were so different in toughness and age,² and thought perhaps justly of an influx of certain types into the state.³ I have met the same problem in studying the peculiar delinquency of Colorado: not only a high-altitude tendency to misconduct but a certain bias deriving from descendants of the gold rush immigration and the health seekers who came to cure their lungs in the pure mountain air. Yet climate in turn has effects of its own; it affects the nervous system during the period of transition and adjustment and moulds body and mind in the course of the years.

It is a striking contradiction of our ideas that California with its wonderful climate shows the highest suicide figures in the whole United States,⁴ as exemplified by the figures on page 347.

Crime figures, as we know, reflect urbanization, age distribution, sex ratio, economic conditions, and the operation of law-enforcing agencies; and these, too, are subject to the effect of climatic forces. But it is difficult to say, in a complex bundle

1. Or if the economic set-up cannot be equalized by selecting specific economic groups, property crimes should be omitted and crimes of violence or sex crimes alone compared.

2. "California's women prisoners, as heterogeneous as the California landscape, were a much tougher lot than I had been accustomed to deal with and also older, having an average age of thirty-seven years. I was not surprised to find them calloused and underworld-wise. Possibly the overly-publicized climate lures crooks as well as honest citizens." *Women in Crime*, p. 178.

3. This enticement seems to be stronger with females than with males.

4. True not only of California but of the whole Pacific Coast. However, Oregon and Washington do not have the sunshine of southern California. Portland has a suicide rate of 27.0 and Seattle of 29.1 for the same period.

Suicide per 100,000⁵
1925-29

San Francisco	38.8
Denver	25.9
Washington, D. C.	
(white population)	23.8
Buffalo	12.8

of causative factors, what proportion is due to climate. The marijuana tendency in Los Angeles and Denver, for instance, must be attributed to the Mexican element in both cities and not to maritime climate or high altitude. The large number of swindlers and fortunetellers who invade London during the "season" (May to August) has a merely social, not a climatic basis. And the confidence men who work during the winter months in Florida and "rest" during the summer months in Colorado merely follow in the wake of potential victims. They are climate-conditioned, but only indirectly.

We learn that marriage figures vary excessively between the geographical divisions of the United States. Oregon for instance had in 1940 a rate of 5.4 per 1,000 population while Virginia had 19.5.⁶ No one will deny the importance of social factors in the genesis of a marriage; yet it cannot be doubted that climatic influences cannot be precluded. Their relative strength, again, is hard to assay, and marriage is a comparatively simple social phenomenon.

Climate has been called an average course of weather at a given place and over a period of years. Perhaps we should replace the element of "weather" by the sum total of geophysical conditions, for that artificial climate of which I spoke earlier may affect behavior and misconduct in the same way as an oxygen tent would an ailing patient. Heat being used for cooking, washing, for industrial production and locomotion, many

5. Dublin and Bunzel, *To Be or Not to Be*, p. 393. Public opinion formerly blamed the yellow race and the Negroes for the high California rate. Frenay, *The Suicide Problem in the United States*, p. 61. Yet although the Negro rate was reported as very high, their absolute number is much too small to affect the general suicide figures. It would be easy, furthermore, to compute the white suicide data as is done for New Orleans, Baltimore, and Washington, D. C.

6. *Preliminary Marriage Statistics for 28 States, 1940, Vital Statistics, Special Reports* (Washington, Bureau of the Census, 1942), XV, 202.

people have to live and work in a permanent situation of overheating. Yet not everyone is exposed to thermic injury in the same way. We impose on the poorer strata of population and on some economically weak minorities the burden of living a part of their lives in a quasi-tropical climate.

Cooks, laundry workers, and firemen frequently display slight symptoms of heat apoplexy, or at least heat deterioration. The professional female cooks still to be found in European households are a definite type: whimsical, irascible, good-natured but strong of language—often man-hating girls, said to terrify even the devil. Their usefulness protects them, but their emotional instability and tyranny are generally feared.

Many of the heat-endangered occupations have been turned over in the United States to a more heat-proof race, the Negroes. But the Negro originally adjusted himself to the burning African sun in his own way, exerting his strength only occasionally and for short periods, doing things he was fond of and just when it occurred to his mind to do them. A day of hard work in an engine room has only a remote resemblance to primeval forests flooded by tropical sun and the carefree life of Africa. It may be that a certain part of their delinquency must be attributed to lesions the Negroes have suffered in physically injurious occupations. The same point is valid for the immigrant who is poor and has to start at the bottom. The bottom, socially interpreted, means little money and much risk.

2. Seasonal Changes

Before approaching the subject of seasonal changes let us glance briefly at the main physical elements which constitute season, weather, and other such composites of forces. We think of them as units and speak of them as units, although their components are often not simple additions but neutralize each other.

There is, first, the amount of sunlight received at a certain place at a certain time. There is no plant growth without light, yet other physical elements attract our attention to a greater degree, especially temperature or heat, the radiant energy emitted by the sun, which depends on its position. The next element is atmospheric pressure, which denotes the momentary weight of the air. It has a marked effect on organic life, varies

according to temperature, humidity, and altitude and has much to do with those more or less "horizontal air currents, called winds." When evaporating moisture happens to be lifted up and suspended in the air we speak of fog or clouds; when this water vapor comes down it falls as rain, dew, or snow. Physiologically moisture is most important. It determines the growth of our crops. Rain magic plays a tremendous role in European and American belief, ancient and modern as well.

Still another element is the electricity of the air. We know its effects from the oppressive sultriness that precedes thunder-showers. It appears to be present just before an earthquake is felt, and the fact that many animals and some men have a physical sense of a coming earthquake can only be explained by highly charged air electricity, caused possibly by the friction of the slowly shifting earth's crust. There are other physical elements, little known but measurable by modern methods, such as the cosmic rays which may affect the organism and the behavior. Yet an enumeration of the principal constituents will do for our purposes.

The seasonal oscillation of delinquency is an impressive phenomenon. Roughly, in a moderate climate two summits appear in the rugged curve of monthly crime. There is one culminating peak which oscillates somewhere between the end of November and the end of January: burglary, larceny, robbery culminate at the beginning of the cold season. Then there is another peak in late spring and early summer. At this time the crimes of violence and the sex crimes reach a maximum; they rise again, but less vehemently, in September or October.

During the spring nature "awakens" as we say poetically. This awakening is a gigantic outburst of dormant forces of life. Regardless of their individual safety all beings in spring tend to perpetuate their kind. Since society and punishment cannot do more than menace the malefactor with future evils, the time of great conflicts has come. We must not forget that criminal law operates by fear. Spring, however, is not only the time of procreation but of fearlessness.

Sex delinquency has a narrow technical meaning and may be looked at from a wider point of view. Often partners are separated by distance and other obstacles. The male searches for the female. It may not be as yet a deliberate search but merely an

obscure urge into space. Offenses such as truancy and desertion increase in spring. They cannot be marked as sex crimes at all, yet they are incipient steps toward new chances, new combinations. All over the animal kingdom, furthermore, competitors for a female approach the conquest by way of a real or feigned struggle. Female resistance has been developed to a powerful incentive which stimulates and encourages the attacking male. Nearly always in animal life the female resists. Man-slaughter, murder, and assault must be included in muscular solutions of conflicts which are biologically substantial and inevitable.

The fighting spirit, one of the manifestations of "spring fever," may be implanted to overpower the resisting female or to eliminate a competitor. In civilized societies this combativeness is supposed to be replaced by more refined means and an emotional contest. Yet the old temporarily subdued impulses persist. When inhibitions are weakened, for the most varied reasons, there is a return to the old and direct practice. There is crime the moment the female does not consent or where the will of the female is presumed not to be valid.

The fall rise is less easy to explain. In European countries we like to think of the effect of the vintage. But there is probably a paralyzing operation of the late summer heat and a revival of energies when cooler and shorter days come. The hop and cotton and sugar-beet harvests are the cause of great migratory movements, of lack of social control, overexertion,⁷ and overindulgence. We overlook many excesses for economic reasons, and law enforcement sets in with impatient energy as soon as the emergency is over.

Pickpocketing alone among property crimes seems to have a summer and not a winter peak. Is this an indication that the pickpocket is more moved by constitutional than environmental forces?

The three great property offenses, larceny, burglary, and robbery, come to a climax around the end of the year. Winter in a moderate climate is a nature-produced depression. Automatically life becomes more expensive because so many more things are needed. Juxtapose the longer cycle of a real eco-

7. Since agriculture has been motorized, farm tractor accidents have increased in August and September. In 1943 50 persons lost their lives in Iowa in corn-picker and elevator accidents. Great weariness is the main reason.

nomic crisis and the two together will bring forth a "crime wave" or a wave of suicides or nervous breakdowns. Increasing all salaries and wages by 20% during the four winter months would be completely justified; otherwise winter regularly means a miniature inflation.

The presummer zenith recurs in the suicide mortality, which is not exclusively urban.⁸ The marriage curve follows about the same line, avoiding for traditional reasons the ominous month of May.⁹ Whenever irregularities are met, environmental factors must have intervened, as seen by the following figures:

Marriages by Months

Month	28 States ¹⁰	Denver ¹¹	Denver ¹²
	1940	3-year Average 1938-40	2-year Average 1941-42
Jan.	44,628	151.0	246.0
Feb.	42,495	146.3	233.0
March	51,099	148.3	226.0
April	54,656	183.0	278.0
May	58,013	232.6	329.5
June	105,091	367.6	430.5
July	65,540	250.0	337.5
Aug.	88,444	317.0	407.5
Sept.	93,239	265.3	354.0
Oct.	90,415	206.3	382.5
Nov.	68,507	188.6	347.5
Dec.	58,675	220.6	488.5

8. Seasonal figures of suicide for all European and a few non-European countries are presented by Roesner, in "Selbstmord," *Handwörterbuch der Kriminologie*, II, 558.

9. "Married in May will soon decay." "To wed in May is to wed poverty." Apperson, *English Proverbs*, p. 408. He adds, "a certain unluckiness is held all England over to attend a May kitten as well as a May baby." The Germans have the same belief, that those who marry in May will not live long. Wuttke, *Volksaberglaube*, p. 368. According to Simrock, "Im Mai gehen Huren und Buben zur Kirche." ("In May only fast girls and bad boys marry,") *Deutsche Sprichwörter*, p. 361. Exactly the same is said in the old Roman proverb as reported by Ovid (*Fast.* V, 498): "Mense malas Maio nubere vulgus ait." ("They say that only the bad girls marry in May.") Plutarch (*Quest. Rom.*, 86) has written a whole chapter on the subject of why one does not marry in May.

10. *Preliminary Marriage Statistics . . . 1940*, XV, 204.

11. Courtesy of Jane Svikhart, marriage clerk of the City of Denver.

12. The draft situation is expressed in the figure of 568 marriages in Dec. 1942, as compared with a three-year average of 220.6.

Urban suicides do not always follow the regular trend. There is a rise in May, it is true, but the highest point is reached in December.¹³ Whatever happens around December has to do with want; as long as murders for gain prevailed among the total number of homicides, the maximum was attained in November in Germany and France.¹⁴ South Carolina produces the greatest number of homicides in December.¹⁵ The same month has been reported by Schmidt in his homicide study for Seattle and by Hoffman for 77 large cities.¹⁶ July followed closely. Social pressure apparently takes the place of physical forces. Chicago, however, as well as Seattle harbors a large migratory population during the winter.¹⁷ Thousands of hobos are tramping during the good season who seek shelter in Chicago when winter arrives. Great modern cities are depleted in summer, filling up in winter and attracting legions of rural amusement and adventure seekers. Like a human heart they contract and expand periodically and standards of 100,000 population, counted in summer, do not mean very much. A cold winter creates not only additional needs but also unemployment in some of the trades.

The American figures available are limited to urban areas. Of course, "crimes known to the police" do not represent the reality of crime. This qualification applies especially to larceny. Whenever the amount is small, the possibility of an accidental loss not excluded, or restitution made, the police do not learn of larcenies. Not a few larcenies, burglaries, and robberies are staged by insurance frauds. Countless assaults that occur in family, national, or racial groups do not come to the knowledge of the police. Many homicides are not discovered among the hundreds of thousands of people who die for a variety of reasons.

13. In Chicago, for instance, according to the figures given by Cavan, *Suicide*, p. 269.

14. Roesner, "Jahreszeiten," *Handwörterbuch der Kriminologie*, I, 698, 699. There remains a second peak in summer in both countries, followed by the manslaughter maximum, proving that exogenous factors have upset the season-conditioned trend.

15. Figures in H. C. Brearley, *Homicide in the United States* (Chapel Hill, University of North Carolina Press, 1932), p. 177.

16. Quoted by Brearley. *Idem*, p. 176.

17. "The explanation of this excess of homicide during the winter, according to Schmidt, is the distress and disorder among the large number of migratory workers who make the city their headquarters during cold weather." Brearley, *op. cit.*, p. 176.

Moreover, the figures available are based on reports given by 382 cities and embracing 51,283,770 inhabitants.¹⁸ This is a smaller fraction of the United States; the figures themselves can only be regarded as relatively accurate.¹⁹

With all these reservations let us have a look at the following table,²⁰ in which for unknown reasons the crime of rape has been omitted.²¹

Crime and Seasonal Variations
"Crimes Known to the Police"
United States Cities
1935-40

Month	Homicide	Aggravated Assault	Robbery	Burglary	Larceny
Jan.	90.2	82.9	118.9	107.6	95.6
Feb.	94.2	87.2	115.6	108.3	96.0
March	93.9	93.0	106.1	109.6	99.4
April	92.6	97.2	96.0	103.0	98.6
May	96.2	105.0	86.8	92.7	95.0
June	100.1	106.0	83.3	90.7	94.8
July	108.8	110.8	81.9	90.9	93.4
Aug.	108.1	115.6	85.0	94.3	98.1
Sept.	105.3	112.3	89.2	94.8	99.5
Oct.	107.5	102.6	96.8	94.8	108.6
Nov.	93.8	92.9	111.0	102.8	110.9
Dec.	102.2	93.6	129.8	111.3	109.8

It must be said that every approach which has been made hitherto to the problem has been crude and incomplete. Im-

18. *Uniform Crime Reports, 1940*, p. 165.

19. "In publishing the data sent in by chiefs of police in different cities, the FBI does not vouch for their accuracy." *Idem*, p. 156.

20. The figures—variations from a 100 basis—have been prepared by Joseph Cohen, *The Geography of Crime*, *Annals of the American of Political and Social Science*, Sept. 1941, pp. 33-34, from the *Uniform Crime Reports*.

21. The *Reports* on rape vary: in 1943 the maximum of rape was in June; in 1942, August; in 1941, September; in 1940, October. *Uniform Crime Reports, 1943*, p. 63; *1942*, p. 62; *1941*, p. 176; *1940*, p. 165. According to my computations rape in Denver—five-year average, 1937-41—culminated in July. *Reports of the Police Department of the City of Denver for 1937, 1938, 1939, 1940, and 1941*, pp. 31, 34, 70, 51, and 36, respectively. It is June in Italy, July in Germany and England, and June in France. *Handwörterbuch*, I, 698 ff.

proved methods of study should try to break down the rough generalities on both sides, "season" as well as "crime."

Taking, for instance, the total delinquency, which consists mostly of minor offenses—drunkenness, vagrancy, petty larceny, and even suspicion—so far as it finds rough expression in jail incarceration, there is certainly synchronization with temperature, as seen in the following Denver figures:²²

Incarcerations Denver City Jail 3-year Averages 1936-38 by Month			
<i>Month</i>	<i>Males</i>	<i>Females</i>	<i>Daily Maximum Temperature Denver, Average of 67 Years</i>
Jan.	899	125	42.8
Feb.	920	124	44.8
March	883	134	51.4
April	938	152	59.7
May	967	154	68.8
June	886	140	80.2
July	1,133	169	85.6
Aug.	1,094	167	84.3
Sept.	933	138	76.5
Oct.	881	119	64.6
Nov.	940	122	52.5
Dec.	1,028	138	44.3

Temperature is but one meteorological element, and "crime" of course has a still more complex structure. We should split it up into more components than the sex factor; into young and old, poor and rich, urban and rural people. It is obvious that different races will respond differently to factors which were probably contributory in building up racial peculiarities.

22. Figures from the writer's "Colorado Crime Survey, 1940" (unpublished) I, 9, 210. The relationship is, of course, blurred by the operation of powerful social forces—favorable, for instance, in June; injurious in November and December.

A high geophysical sensitivity of the colored race is demonstrated by the following tentative figures:

Negroes Arrested²³
Denver, Colorado,
by Months

Jan.	113
Feb.	119
March	198
April	92
May	148
June	125
July	130
Aug.	106
Sept.	122
Oct.	82
Nov.	57
Dec.	65

The curve seems to vary considerably; the startling July and August increase is missing, as is the November-December rise; this last diversity will be understood when we remember the relatively smaller property delinquency of the colored race.

Sutherland is inclined to attribute the summer summit of crime to the fact that in "summer months . . . the contacts between persons are more frequent."²⁴ In addition he maintains that the consumption of alcohol in group relationships is greatest during this time. The last point cannot be denied; all needs are augmented, even the consumption of tobacco.²⁵ The first contention, however, has a metropolitan society in mind. The population of the United States consists mostly of farmers, miners, workers, clerks, and so forth, who do not go to Cape Cod or the Catalina Islands. In farming communities there is certainly more time for personal contacts, whatever that may

23. Ira de A. Reid, *The Negro Population of Denver* (New York, The National Urban League for the Denver Interracial Committee, 1929), p. 26.

24. *Principles of Criminology*, p. 82.

25. The writer has published a curve describing by months the tobacco consumption in Austria in the years 1884-93. *Strafrecht und Auslese*, p. 135. I shall mention here also the information given to me personally by professional beggars, that they receive more alms in summer than in winter. *Idem*, p. 134.

mean, during the long winter evenings, and it is so in mining towns and industrial centers.

Some writers have even gone so far as to doubt the geophysical dependency of the suicide curve. The interrelation, however, can be proven. Nothing is more startling than to see the European and the Australian suicide curves set side by side. There is complete reversal of seasonal conditions and suicide figures; it looks like an image produced by a mirror.²⁶ The following table is another way of demonstrating the seasonal dependency by shifting over into different climatic areas:

Seasonal Indices of Suicide²⁷
Three Different Geographical Divisions
United States 1910-23

<i>Month</i>	<i>Massachusetts</i>	<i>Seven Mississippi Valley Cities</i>	<i>Five Southern Cities</i>
Jan.	157	95	113
Feb.	180	94	107
March	194	101	94
April	193	106	112
May	223	114	106
June	241	100	98
July	200	98	101
Aug.	203	98	91
Sept.	213	98	106
Oct.	206	102	81
Nov.	201	103	108
Dec.	189	91	83

The further south we go, the more the suicide maximum advances from June to May and April. A similar anticipation is noted in European countries, where Hungary, Bulgaria, Finland, Latvia, and Rumania have their suicide maximum in May while nearly all other European nations reach it in June.²⁸

26. Roesner, "Jahreszeiten," *Handwörterbuch der Kriminologie*, I, 703.

27. Dublin and Bunzel, *op. cit.*, p. 396. The high January figures are probably urban influence, discussed earlier.

28. Roesner, "Selbstmord," *Handwörterbuch der Kriminologie*, II, 558. We

The seasonal factors often operate through intermediary conditions. One of them is the price level of agricultural products, which is partly determined by crop results, transportation problems, and what we used to call market trends. The poor man in distress pilfers; resorts in other cases to burglary when the burden of the cold season begins to press on him. Farmers and houseowners can stand economic difficulties longer. They have insured property. The European arson criminality culminates in August (France), September (Germany), or October (Poland),²⁹ but only a minimal number of arson cases lead to a prosecution and the number of acquittals is high.³⁰

A glance at the number of fire losses in a farming state shows a close parallelism to the movement of corn prices. In contemplating the following figures the reader cannot escape the conclusion that fires, even when not suspected as arson, are frequently of human origin.

That 60–70% of all fires are not accidental was shown in the great German inflation. At this time children seemed to have stopped playing with matches, defective wirings operated without short circuit, lightning avoided farmhouses, and spontaneous combustion appeared to have ceased. Insurance companies were aware of the situation; their interest lies not in a trial and publicity but in neutralization of the claim and the silencing of the fraudulent insurant.

We should keep in mind that all police and criminal statistics are drawn up by human beings, and that these individuals are subject to the same geophysical forces that operate on the delinquent. In my own opinion, statistics on the admission of mental patients reflect no less the state of mind of interned relatives than that of patients themselves. According to German studies there are two admission peaks in insane asylums: one in June,

assume the combined action of racial characteristics and geophysical variations, in the European East as well as in the Southern cities. In Japan, Turkey, Canada, and the United States, suicides culminate in May.

29. *Handwörterbuch der Kriminologie*, I, 698–700. A rather high spring rate is to be found in Serbia.

30. For German acquittal figures see my "Verbrechertaktik," *Handwörterbuch der Kriminologie*, II, 897.

Fire Losses and Corn Prices³¹

<i>Month</i>	<i>Fire Losses³²</i>	<i>Estimated</i>
	<i>by Month</i>	<i>Corn Price³³</i>
	<i>State of Iowa</i>	<i>Colorado</i>
	<i>1939-41 (Average)</i>	<i>Cents per Bushel</i>
	<i>1939-41 (Average)</i>	<i>1939-41 (Average)</i>
Jan.	443,000	55
Feb.	537,000	54
March	507,000	55
April	443,000	57
May	240,000	60
June	205,000	64
July	278,000	62
Aug.	256,000	61
Sept.	276,000	65
Oct.	350,000	63
Nov.	288,000	61
Dec.	366,000	62

the second in October.³⁴ The presummer height is well known, yet it may be affected by the growing irritability and impatience of the patient's family. The October climax indicates, in a predominantly agricultural area, that the able-bodied patient has helped bring in the crop. During the winter months there is time enough for rest and cure. The admission curve, therefore, indicates not only the month that causes the outbreak of the disease but many other circumstances.

There are many more causative complexities in the interdependence of season and crime. Certain irregularities of the seasonal curve are of special significance. I have mentioned that

31. Of course the amount lost is not an exact expression of incendiary tendencies; some fires get out of hand, some arsonists are stopped in an unsuccessful attempt. The objection that Colorado corn prices may differ slightly from those in Iowa is tenable but of a minor nature. The price which may have existed in a given area on the 15th of a month is always an approximation.

32. Compiled from figures in the *Annual Report of the State Fire Marshal, State of Iowa, 1941* (Des Moines, Iowa, 1942), p. 21.

33. Compiled from figures in *Colorado Agricultural Statistics* (Denver, 1943), p. 78.

34. The figures in my *Strafrecht und Auslese* (p. 13) cover a seven-year period of admissions in the state of Baden.

experts have noted the increase in pickpockets in summer,³⁵ which seems to run against the rule; murder, moreover, takes an upswing in December which is atypical again. Could it be true that a good many larcenies from the person are endogenous, some murders exogenous—that is, property crimes? This conclusion can be defended. The professional pickpockets satisfy a strong urge³⁶ which drives them to hunt a victim,³⁷ to “touch” him,³⁸ and take from him. All other interpretations, bringing up the buttoned topcoat,³⁹ are not quite convincing. There are still scientific meetings, political rallies, concerts, theaters, movies, and night clubs, where the topcoat is taken off.

The murder for robbery or murders committed during a burglary are certainly property crimes, and their peak may be expected in the period around the month of December. The motive and not details of execution determine the character of an offense, although the law and the criminal statistics stick to appearances.

Other causative developments reach still farther back. Under the irritating influence of spring, parents may be inclined to quarrel, fight among themselves, and maltreat their children. The home atmosphere will progressively deteriorate. The same effect of spring may inject unrest and wanderlust into the blood of a boy. Driven by a duality of forces he runs away. He starts sleeping in hallways, parks, and peddler's wagons. He must

35. *Handwörterbuch der Kriminologie*, I, 701-702; the fact can be proved where statistics give the figures of larceny from the person by months, as in England prior to 1914.

36. “All the great pickpockets I have happened to know . . . believed in the ‘call of the blood’ and that the born pickpocket leaves the scene of a great hit with the same exaltation and satisfied ‘let down’ that follows an amorous adventure.” Von Hentig, “The Pickpocket,” *Journal of Criminal Law and Criminology* (May-June, 1943), p. 15.

37. “A confidence man who had followed carnivals for thirty years, after two years of legitimate life, wrote: ‘Sometimes I see a stranger who looks like easy money. Sometimes a fellow with goodthing printed all over him, struts into my hotel. Then the old feeling rises up under my vest and makes me itch to get at him. Perhaps I can make it clear to you in this way: You like hunting? You know your sensation when a buck steps out of cover and you lift your gun to cover him? Well, it's like that, only a hundred times stronger. There is no hunting in the world like hunting men.’” Sutherland, *Professional Thief*, pp. 141-142.

38. Is it without meaning that the execution of a theft is “touch” in criminal slang?

39. *Handwörterbuch der Kriminologie*, I, 702.

live, and proceeds to pilfering, since freedom from fear does not mean freedom from want. He joins new protective groups—the youthful gang—and is drawn through their unlawful activities into their way of thinking. Behind his delinquency—now far, far away and scarcely visible a few months later when he is arrested—is the physical effect of spring.

In the close interdependence of perpetrator and victim, seasonal changes often stir the mind of the sucker more than that of the delinquent; craving for stimulants, tobacco, alcohol, drugs, gambling, and danger rises sharply in spring and pre-summer to prepare the victim for his role. The victim of suicidal tendencies and the objects of lust or perversion alike present themselves in seasonal ups-and-downs to the potential exploiter, offer him unexpected chances, and become a seasonally shifting incentive to attack. Behind the very old taboo against Marrying in May stands the simple experience that this is, geopsychically, the month of nonresistance and self-imposition.

Larceny in the United States, England, Germany, and France follows the curve of greatest economic pressure and comes to a summit toward the end of the year. This rise shifts to other seasons in other countries and under different conditions. In Greece, for instance, the highest point is met in summer.⁴⁰ There is an increase in this form of crime of about 20%, compared with winter months. The reasons proposed by Gardikas are most suggestive. In summer, he says, houses are left unwatched at night because the inhabitants—mainly in July and August—spend the hours of the night from 7 to 2 in the open on account of the excessive heat. This custom gives thieves a good opportunity to enter buildings which are occupied during the winter nights and thus guarded.

There is another cause for the divergence. The winter is mostly very mild and does not considerably increase economic

40. Gardikas, "Über den Einfluss der Jahreszeiten auf die Kriminalität in Griechenland," *Monatsschrift für Kriminalpsychologie*, 1934, p. 27.

Averages, 1926-30,
Larceny in Greece

Spring	2,145
Summer	2,688
Fall	2,443
Winter	2,162

distress. The impoverishing factor of cold is scarcely existent or operative. The spring and early summer peak of crimes of violence and sex crimes is maintained in Greece, since no new set of causes is interfering, as in the case of property crimes.

The Greek statistics state the seasonal course of convictions; these do not quite coincide with the moment of commitment. Seasons, of course, are broader standards than months. But in every case we must be on our guard in evaluating figures which have come about by a long selective process and in which human agencies are involved. Prison commitments, for instance, are the final results of numerous phases of elimination. The lighter cases—quite apart from preceding eliminations—have disappeared; they have gone to jails and workhouses, have been disposed of by payment of a fine, or probation, or a suspended sentence. In addition there are summer vacations. Trials are held up. The judges have a rest, as have district attorneys. They return to their duties with renewed energy, but with that natural irritation which all of us experience when we have to go back to work on Monday morning.

It is thus no "natural" crime curve but something changed by human minds and social institutions that we meet in commitments by months. Their distortion can be seen by the figures on page 362.

I need not add that perpetration of a crime, trial, and commitment do not coincide; they may in some cases be separated by months and even years. With a plea of guilty, however, they come pretty close.

According to Kraepelin psychopathic personalities are characterized by great dependency upon weather and temperature.⁴¹ An old English proverb says, "Fools are weatherwise."⁴² Psychopaths and the feeble-minded are much more frequently victimized in some way or other than victimizing. Their conduct, offering an easy and tempting prey, cannot be excluded from the causative factors of crime. Confining them in time is a good preventive.

41. Kraepelin, *Clinical Psychiatry*, p. 489.

42. Apperson, *op. cit.*, p. 226. In Cornwall they say, "Those that are weatherwise are rarely other-wise." Can we explain another proverb, "Fools are wise men in the affairs of women" (*ibid.*), by a synchronized weather-sensitiveness of both?

Prison Commitments by Month

<i>Month</i>	<i>Daily Average of Prisoners⁴³ Received United States, 1931-35</i>	<i>Felony Commitments⁴⁴ Michigan, 1937 and 1938</i>
Jan.	172.0	231
Feb.	187.6	192
March	190.5	275
April	193.3	219
May	187.9	204
June	181.9	205
July	140.3	186
Aug.	107.5	158
Sept.	147.1	194
Oct.	205.7	255
Nov.	182.2	217
Dec.	176.7	239

Weather is a brief climatic or seasonal phase. As a highly changeable incident it can only be grasped by a sort of case study and not by statistical methods, although the same weather-type may extend over a stretch of time. But weather plays a not significant role in the technique of crime. I cite an English and an American instance. At the famous Hatton Graden post-office robbery in November, 1881, heavy fog covered the whole of London. A confederate turned the gas off and there was a moment of complete darkness. Then the diamond mail was robbed; the fog prevented any pursuit.⁴⁵

Jack Callahan refers to certain weather conditions which must prevail if a bank robbery is to be successful. He writes of such a robbery in Tennessee:⁴⁶

43. Computed from *Prisoners . . . 1931-32, 1933, 1934, 1935*, pp. 26, 37, 38, and 45, respectively. In later years the subject was discontinued.

44. *Statistical Report Regarding Arrests and State Prisoners Committed and Released during 1936, 1937, and 1938* (Lansing, Michigan Prison, 1939), p. 12.

45. Stevens, *Famous Crimes and Criminals*, pp. 40 ff.

46. *Man's Grim Justice: My Life Outside the Law* (New York, J. H. Sears & Co., 1928), pp. 71-72.

This bank . . . was in an unusually healthy condition. The town newspaper contained the very interesting information that it had "Cash on hand \$50,000."

We had spent a month or more looking for this mark. We found it in the latter part of September, but we couldn't kick it in when we found it, for the very good reason that September is a very bad month for robbing banks. Bad because the nights are fairly warm and short. The bank robber must have long nights and cold ones, when people sleep under the covers and when the windows are not wide open. The colder they are and the more blustery they are, the better we like it. There are a lot of brave men who will get out of their beds on a warm night to chase a burglar who wouldn't even turn over on a cold night. Further, explosions [nitroglycerin was used] are not so easily detected on a cold, windy night when the elements are raging. Ninety per cent of the banks that I have robbed on cold winter nights have been robbed without waking up the residents of the town. On the other hand, every time I have tried to "knock off a jug" in the summer I have failed.

I know of a case in which the superintendent of a building after tossing about in bed on a hot night got up and made coffee. He heard a buzzing noise through the wall. In the adjacent building two burglars were attempting to steal gold from a dentist's safe. The sleepless and therefore rather ill-tempered caretaker called the police and the burglars were caught.

There is an old English proverb: "Do business with men when the wind is in the north-west."⁴⁷ If confidence men know the rule and believe in it, it might acquire criminological significance. Weather not only acts as a physical stimulus or sedative; it produces social situations which facilitate or thwart the execution of a criminal act. Escapes from the State Prison in Canon City, for example, culminate in October.⁴⁸ It is the last

47. Apperson, *op. cit.*, p. 692.

48. On the right weather for escape see Edward H. Smith, *You Can Escape* (New York, The Macmillan Company, 1929), pp. 4, 55, 120, 143, 290. It is mostly stormy and rainy weather, but a very hot night, paralyzing the watchfulness of the keepers will do, too. See *idem*, p. 259.

month in which a person can hide in the surrounding high mountains without freezing to death. Pickpockets depend on crowds, and most types of crowd depend on weather; in very bad weather people are squeezed in buses and trains and are "done up for the trim." Burglars and robbers, of course, depends more on weather conditions than forgers and receivers. Their great protective device is the time of the day, a consideration to which we now turn.

Before real unemployment statistics were taken and published, certain trades or agencies registered the fluctuations in the number of workers employed: in the London docks, for instance. A graph prepared by Charles Booth and published in Geoffrey Drage's book shows the monthly oscillations among dock laborers employed.⁴⁹ Another graph introduces the element of rain, continuous rain, fog, and dense fog. We see that rain greatly impedes work and that dense fog puts an absolute stop to it. Although it may be true, as Drage says, that to many "casual" outsiders the very irregularity of the work appeals,⁵⁰ physical conditions play a major role.⁵¹ The trade, moreover, is seasonal. "Certain classes of goods arrive at definite seasons of the year, and the result is that in each dock which depends upon such goods periods of full employment alternate more or less regularly with slack times."⁵²

Even today and in the United States, similar forces are at work. Labor flows into the wheat fields, the corn belt, the hop fields, and the fruit orchards. The canning seasons follow immediately. Fruits depend on climate and weather and so do workers who have to pick them. Elliott and Merrill remark that silverware apparently has two peak sales periods, in June and in December,⁵³ one depends on a social institution, the Christmas holidays, and the second on a geopsychic one: the time-honored period for courtships and mating.

49. Geoffrey Drage, *The Unemployed* (London, 1894), p. 131, graph VI. There seem to be inner-monthly oscillations, for instance, increasing employment before the end of the month. Are casuals offering their services in order to be able to pay their impending rents?

50. *Idem*, p. 135.

51. In addition to rain and fog "the wind is also an important factor in determining the amount of employment." *Idem*, p. 133.

52. *Ibid.*

53. *Social Disorganization*, p. 445.

4. Time of Day

The seasonal changes of our physical surroundings follow a periodicity; so do other variations. From midnight to midnight we pass through a series of oscillations in temperature, light intensity, air pressure, moisture, electricity, and so forth. These changes present a certain regularity, but anomalies are interposed: a thundershower, a chinook, a sandstorm. How do these changes affect human conduct?

Midnight is regarded as the ghostly hour. We are mostly born at night and we die at night, mainly between midnight and 4 A.M. The doctor knows that these hours are the critical period in a patient who is very ill. The temperature is higher in the evening than in the morning. Some metabolic processes come to a peak during the night: the water secretion is reduced, the sugar content of our blood reaches its maximum between 2 and 4 A.M., the number of white blood corpuscles rises in the evening. All these far-reaching changes depend on some sort of interdependence of darkness, the eye, and our glandular system. We are different at night and in the daytime;⁵⁴ we therefore behave differently in light and in darkness and during the phases of transition. There is a 24-hour periodicity, and biochemical changes are somehow controlled by a steering apparatus, located in some brain center.

We sleep at night, perhaps because we are inclined to undesirable reactions during the night. That is why we are afraid of midnight and praise the one who falls asleep before midnight. In hot countries the noontide is full of dangers and evil possibilities. Pan should not be roused, the god of violent outbreaks. The southerner sleeps the lurking noontide away. The shutdown is his defense.

The night shift is a recent innovation of modern industrial life, although night work was known earlier for bakers, coach drivers, policemen, doctors, and nurses. Science—medical and social—has not paid much attention to the individuals who consent or are compelled to work on night shifts.⁵⁵ It must be ex-

54. We read of long-distance phone calls of "gyp artists" telling prospects to buy certain stocks or they will miss a sensational opportunity. Ellison and Brock, *The Run for Your Money*, p. 89. Such calls are made at midnight and tell the customer to buy at the opening of the market.

55. Most plants in 1944 paid a 10¢ bonus per hour on the night shift.

pected that the profound disturbance produced in the human organism's rest cycle and work cycle will bear on conduct. Of this physical upset an engineer in a large oil refinery writes:⁵⁶

It is surprising that so many men work this kind of schedule without being given any advice, scientific or otherwise, on how to adjust themselves to it. You feel as though you were battling all the instincts a million years in the making when you try to stay up nights and sleep days. The system rebels, your heart flutters, your ears ring as they have never rung before, you dream wild dreams.

The night shift during the first World War was generally called the "graveyard" shift. Many explanations have been offered, yet the fact is that the night rate of accidents is 50% higher than the day rate.

Accidents in a Machine Building Industry (1913):⁵⁷
by Day and Night Shift

Class of Accident	Frequency Rates (Cases per 1,000 300 Day Workers)	
	Day	Night
Nondisabling	338.73	494.89
Disabling	74.86	129.40
Total	413.59	624.29

When during that war a longer work week was introduced the efficiency dropped, declining by 3.5% in the day shift, by 6.5 in the night shift.⁵⁸ An element of greater fatigue is manifest, especially on Friday and Saturday.⁵⁹

Of course, physical and social conditions intermingle. About 80% of all burglaries are committed at night. The reason is

56. Carl A. Benz, "Night Shift," *Atlantic Monthly*, April, 1939, p. 551.

57. Lucian W. Chaney in U. S. Bureau of Labor Statistics, *Bulletin* 256 (Washington, 1919), p. 58.

58. Max D. Kossoris in U. S. Bureau of Labor Statistics, *Bulletin* 791 (Washington, 1944), p. 8.

59. *Idem*, pp. 17, 34. Many of the Saturday excesses would thus be fatigue symptoms. See George J. Kneeland, *Commercialized Prostitution in New York City*, pp. 48, 109, 127, 132, 133.

that many offices and stores are deserted after business hours. Residences, by contrast, are burglarized mostly when the inhabitants have left and gone to work. The conditions of protection change from day to night, from office to residence. The burglar waits for the period in which our property enjoys a minimum of supervision,⁶⁰ as does the Greek thief in summer.

Most burglars were arrested between 2 and 4 A.M., according to Denver figures; there is a second peak between 4 and 6 P.M., which may refer to residential houses.⁶¹ There are two heights again in robbery: one between 10 and 12 A.M., the other between the same hours at night. This interpretation may be tentatively offered: the first period brings many shoppers, mainly women in the street.⁶² The second period embraces all the stick-ups of drugstores, saloons, filling stations, etc., shortly before the closing hour, when they are expected to have the whole day's proceeds in their cash register.

When larcenies are committed cannot be stated with certainty, but pickpockets have to rely on the hours of crowded buses when people are returning home tired and their atten-

60. Taking all arrests for burglary in Denver in the years 1937-41 (1938 omitted because figures present extreme variations) this was the picture of burglary by day and by night:

	<i>Per Cent</i>
Residence	73.1
by night	30.7
by day	25.1
All other places	
by night	37.0
by day	7.2

Reports of the Police Department of the City of Denver for 1937, 1939, 1940, and 1941, pp. 50, 69, 50, and 35, respectively.

61. The residents are not at home, either regularly or for the moment. The burglar counts on habits. In a certain section of London, for instance, "Sunday after Sunday burglaries occurred with sickening regularity, always between seven and eight o'clock when the occupants of the houses were at Divine Service." Neil, *Man-Hunters of Scotland Yard*, p. 41. In a prison break everything depends on the habits of the guards. "There were two times of the day when a break was available, either right after the morning rounds of the inspectors, which came at about nine o'clock, or soon after the lunch hour. At either time, with good luck, the men . . . could count on from two to four hours for a start." E. H. Smith, *You Can Escape*, p. 119. The geophysical periodicities are in these cases completely obliterated by social conditions.

62. A few hold-ups of banks and business places happen during the lunch hour.

tion is blurred. This is mostly between 4 and 6 P.M.⁶³ Another favorable time is later in the evening when theaters, movies, and night clubs open, governors make campaign speeches, convention members visit town and crowds wait for the announcement of a verdict which has thrilled the public.⁶⁴

Crimes of violence and sex crimes show a relative independence of the social forces around us. Yet a close study demonstrates that these crimes accumulate at certain times of the day. Three groups of murder statistics, gathered in the United States,⁶⁵ England,⁶⁶ and Germany,⁶⁷ will serve as a basis for our reflections.

Murders Committed by Time of Day

<i>Hour of the Day</i>	<i>Allegheny County, Pa. 1905-40</i>	<i>Great Britain 1901-05</i>	<i>Germany 1928-30</i>
12-2 A.M.	223	23	7
2-4 A.M.	118	6	3
4-6 A.M.	69	4	2
6-8 A.M.	131	5	7
8-10 A.M.	122	10	7
10-12 noon	148	12	14
12 noon-2 P.M.	145	19	10
2-4 P.M.	171	12	8
4-6 P.M.	186	21	13
6-8 P.M.	275	21	24
8-10 P.M.	362	32	11
10-12 midnight	415	42	15

We see in the Pennsylvania figures that 45% of all homicides occur during the six hours from 6 P.M. to midnight, although an equal distribution would yield 25%. In England the proportion of these six fatal hours is almost exactly the same, 45.6%.

63. A pickpocket writes, "We went out every afternoon about four o'clock and worked until six in the evening. We averaged about one hundred dollars a day." Callahan, *Man's Grim Justice*, p. 35.

64. Rainy weather is said to make the public discontented and therefore more suspicious.

65. Quoted from Lunden, *Statistics on Crime and Criminals*, p. 49.

66. *Judicial Statistics, England and Wales. Criminal Statistics, 1905* (London, 1907), p. 53.

67. *Kriminalstatistik . . . 1931*, p. 36.

In connection with the German figures an interesting point comes up. Looking at murder according to the time of the day, we should not stop at the mere fact that a premeditated homicide has occurred. Two sets of individuals are involved in a killing; the one who kills and the ones who are killed. It would be worth-while to know at what hours of the day the murderer decides or is compelled to act. But no less attention should be paid to the murdered person. At what hour are young or old, male or female killed?

We have a few German figures available which record the connection of hour of the day and victim by sex; the 121 cases are carefully selected, yet cannot be said to satisfy statistical requirements. According to these figures, which cover three years, the male is endangered by a wave presenting two culminating points, 10-12 A.M. and 10-12 P.M.⁶⁸ The critical hour for women is between 6 and 8 P.M.; 24% of all victims succumb to a murderer during these two hours, while an equal distribution during the 12 two-hour periods would not produce more than 8.33%. Females are therefore killed at radically different hours of the day than males, and since many more females than males are murdered in Germany, the whole curve is sex-determined.⁶⁹ This is the reason for the discrepancy between Anglo-American and German figures.

In juveniles the high in criminal activities is reached much earlier, between 4 and 5 P.M., with a second top between 6 and 7.⁷⁰ Burt's figures cover 2,402 juvenile delinquents without distinction of the type of crime.⁷¹ During the two hour periods, 4-5 and 6-7 P.M., 42.8% of all offenses were committed.

Suicide figures of 40-50 years ago, yet embracing a mass of 10,000 cases in the United States, indicate that in males as well as females most suicides occurred in the last quarter of the day,

68. *Kriminalstatistik* . . . 1931, p. 36.

69. Of the victims in this selected number 44% were males, 56% females.

70. Burt, *The Young Delinquent*, p. 152.

71. The composition of the delinquent population by the type of offense was as follows:

399	offenses of violence and temper
289	“ of sex delinquency
993	“ of theft and kindred crimes
259	“ of damage
462	“ of wandering, truancy, and running away

from 6 to 12 P.M.⁷² French students, on the other hand, such as Guerry, Briere de Boismont, and Morselli, have found that suicides come to a peak between 6 A.M. and 12 noon.⁷³ In Allegheny County, Pennsylvania, J. C. Wallace established a maximum of suicides for the same time.⁷⁴ Female suicides, however, occur mostly between noon and 6 P.M. This confusion results from the variety of factors that lead to self-destruction. Not a few suicides are committed when an arrest is executed or attempted. The act depends in this case on the time of the day at which arrests are usually made—that is, the early morning hours. Suicides in a psychotic fit of physical suffering and suicides for economic reasons should be studied separately⁷⁵ and the total group studied also by sex, by age groups, by racial units, and so forth.⁷⁶

72. W. B. Bailey, "Suicide in the United States, 1897-1901," *Yale Review*, May, 1903, p. 83.

73. Roesner, "Selbstmord," *Handwörterbuch der Kriminologie*, II, 559. Here, in addition, may be found Prussian, Bulgarian, and Hungarian figures.

74. Lunden, *op. cit.*, p. 50.

75. The suicide crisis is the conclusion of a suicide process ably described by Ruth Cavan (*op. cit.*, pp. 148-177). It should obviously include the suicide attempt itself, and exclude the mortal outcome of a staged suicide. Countless etiologies have been set forth. The results differ widely. European statistics note a much higher rate of mental disorder and a much smaller one of physical disorders than in the United States. I quote a compilation made by Calvin F. Schmid for Seattle, *Suicides in Seattle, 1914-1925*, pp. 66-67. This is, of course, a study of urban conditions:

Causes of Suicide, Seattle, 1914-25

	<i>Males</i>	<i>Females</i>
Mental, nervous disorders	13.1	14.6
Physical disorders	41.9	35.2
Affectional difficulties	14.6	28.6
Delinquency	7.9	3.3
Economic difficulties	16.1	11.3
Ill-defined causes	6.5	7.1

76. Suicide attempts for instance show a different psychological genesis according to sex. Incurable disease, as well as insanity, has a very low rate of suicide attempts; the individual goes through with the eliminating procedure. By contrast, in lover's grief and domestic worry men and women are made hesitant by characteristic mental reservations, as seen by the following figures for Brussels, 1900-1906 (Jacquart, *Le Suicide* [Brussels, 1908], p. 87):

Attempted Suicides
(Per Cent)

<i>Causes</i>	<i>Males</i>	<i>Females</i>
Lover's grief	12.0	33.3
Domestic worry	22.4	13.1

There is a tendency in criminology to limit attention to the so-called serious crimes and neglect that minor delinquency of the man-in-the-street which—both practically and theoretically—is, to say the least, as significant as murder, rape, or robbery. This delinquency must of course be unearthed in police statistics. Only arrests can be presented. I have computed four-year averages of four minor offenses: a group including the drunkenness misdemeanors,⁷⁷ petit larceny, speeding, and finally aggravated assault, which is a felony.

Hour of the Day and Four Selected Offenses
Arrests, Denver 1937-40, Four-year Average⁷⁸

	<i>Hour of the Day</i>	<i>Petit Larceny</i>	<i>Drunkenness Group</i>	<i>Speeding</i>	<i>Aggravated Assault</i>
A.M.	12-2	27.5	891.5	111.0	2.2
	2-4	24.5	551.7	57.0	2.2
	4-6	8.2	149.5	35.3	0.5
	6-8	9.5	65.0	78.3	0.5
	8-10	14.7	93.5	159.7	0.3
	10-12	48.5	233.5	212.7	0.5
P.M.	12-2	46.2	380.7	174.0	0.8
	2-4	68.0	464.5	244.0	0.8
	4-6	78.7	728.2	281.3	2.0
	6-8	36.5	723.0	223.3	1.8
	8-10	38.2	904.0	162.7	2.0
	10-12	37.0	1139.2	144.0	3.7

The normal person is tired at the end of the day. Fatigue weakens the inhibitory mechanisms of the brain. Law-enforcing agencies utilize this state of flagging energy for questioning and obtaining a confession. Tiredness also disarms the victim and belongs to the inventory of the habitual seducer. Gambling stakes advance with the progress of the night.⁷⁹ Card cheaters

77. Combining "drunkenness," drunkenness and vagrancy, and drunkenness and disturbance.

78. *Reports of the Police Department of the City of Denver for 1937, 1938, 1939, and 1940*; pp. 64, 74, 87, and 74, respectively.

79. "They commenced playing at dollar 1 a card at twelve o'clock and at six in the morning they were playing at dollar 10 per card." George H. Devol, *Forty Years a Gambler on the Mississippi* (New York, Henry Holt & Co., 1926), p. 13.

on railroads or ocean liners exploit the same psychological situation as the detectives. A certain technique has been developed. The victim is carefully marked before the grafters board the train. He has to have money. He has to be a dull-normal,⁸⁰ inclined to rob other card players, and a long-distance traveler.⁸¹ The further procedure is thus described by a confidence man:

At about two o'clock in the morning our man would be sound asleep. Louis would step up to him, take the train check from his hat and drop it on the floor. Then Louis would shake him and say: "Is that your check down there?" By the time the sucker had picked up the check and thanked Louis, he'd be wide awake. Louis would be so pleasant about it, would have such good stories to tell about people who lost their tickets, that the sucker would stay awake to talk. In half an hour or so they'd be established on a cordial basis. Then Louis would give me the office to come along.

The effect of being aroused from deep sleep is twofold. There is weakened resistance when the two card cheaters gradually involve the victim in a game, and less fight in him, too, when he sees that he has been duped. The strange surroundings increase his feeling of uncertainty.⁸²

5. *Day of the Week*

The time of the day is already a combination of physical forces and social conditions. In examining, for instance, the hours of the day auspicious for escape, modalities of prison routine must be considered. The week is not a natural unit accompanied by changing meteorological circumstances, as are day and night, and the rotation of seasons and climate. We have to look out for social forces which may affect the course of crime by the day of the week.

Crimes of violence and the serious sex crimes culminate on Saturday, Sunday, and Monday. No absolute reliance can be placed on these data. Often the hour of murder is not established with absolute safety. It may have happened around midnight.

80. A "bromide."

81. Will Irwin, *Confessions of a Con Man* (New York, B. W. Huebsch, 1919), p. 125.

82. "If the sucker started to report to the conductor, Louis would say: 'Don't you know it's a thousand dollars fine or six months in jail for gambling on these trains?'" *Idem*, p. 145.

Some "Saturday" homicides really take place on Sunday, some Sunday killings on Monday. Sociologically Saturday and Sunday extend as far as Saturday and Sunday aftereffects go. With these reservations let us have a look at British and German murder statistics.

Murder by Day of the Week
England and Germany

<i>Day of the Week</i>	<i>England 208 Cases⁸³ of Murder</i>	<i>Germany 135 Cases⁸⁴ of Murder</i>
Monday	30	22
Tuesday	26	14
Wednesday	27	19
Thursday	33	20
Friday	30	9
Saturday	39	26
Sunday	25	24

The predominance of Saturday, Sunday, and Monday is manifest.

Most suicides happen on Sunday (females) or on Monday (males). Saturday's suicide figures are low.⁸⁵ Burt's juvenile delinquents follow approximately the same weekly tidal wave:

Relative Number of
Offenses Committed
Each Day of
the Week⁸⁶

Sunday	23.8
Monday	8.3
Tuesday	10.0
Wednesday	14.3
Thursday	13.3
Friday	9.0
Saturday	21.3

83. Judicial Statistics, England and Wales 1905 (London, 1907), p. 53.

84. *Kriminalstatistik . . . 1931* (Berlin, 1933), p. 36.

85. W. B. Bailey, "Suicide in the United States, 1897-1901," *Yale Review*, May, 1903, p. 83.

86. Burt, *op cit.*, p. 152.

Drunkenness, disorderly conduct and assault rise to a maximum on Saturday. The same is true for robbery. Burglary tends to increase from Friday night on. The great safe burglaries are generally dependent on paydays.⁸⁷ The moment of detection can be deferred when Sunday and another holiday meet and a two days' delay is won.⁸⁸ The English burglar is therefore able to cross the channel and reach the Continent before alarm can be given.

Some pickpockets do not work on Saturdays; the experience that the police are fired by the expectation of Sunday and thus more alert and aggressive is only one of the reasons.⁸⁹ Other Saturday phenomena center around the Jewish holiday, displacing the Saturday and Monday manifestations to Friday and Sunday. To the orthodox Jew the Sabbath rest is an economic complexity.⁹⁰ Other psychological effects have been reported by Jewish scholars.⁹¹ In one London murder case the

87. "When a business house is the object [of burglary], the spotter finds out the exact hour that the place opens for business every day, the value of the goods in the store, how many clerks and others come to work, and how many of them go out for dinner and the time that they leave. He pays special attention to the time that the man leaves with any money for the bank; and he has a good many ways of learning how much money he is in the habit of banking, and whether Saturday is his big day, or Monday." Ben Karpman, *Case Studies in the Psychopathology of Crime* (Washington, 1933), I, 97.

88. "It was Whitsuntide and the Monday following was a bank holiday. With at least forty-eight hours to work in I went cautiously about my job." Spenser, *Limy Breaks In*, p. 233. It may be earlier in a Jewish neighborhood: "The time for the attempt had . . . been arranged for the Jewish Sabbath, which starts at sunset on the Friday, when the shops would have been closed and the neighborhood very quiet." Wensley, *Forty Years of Scotland Yard*, p. 164.

89. "While I was still working with him [a famous pickpocket] he never worked on Saturdays. Saturday seemed a day that the police were more active, and if they arrested you, you stayed till Monday." Clifford R. Shaw and Henry D. McKay, *Report on the Causes of Crime*, ed. National Commission on Law Observance and Enforcement, Vol. II: *Social Factors in Juvenile Delinquency* (Washington, 1931), p. 236.

90. Speaking of the wave of Russian-Jewish immigration into Chicago in 1882, Louis Wirth writes, "The immigrants were suffering from additional industrial handicaps because their orthodoxy prevented them from working on Saturdays." *The Ghetto* (Chicago, University of Chicago Press, 1928), p. 182.

91. Professor Infeld narrates: "The weekday routine was interrupted by Saturday. . . . Saturday made him [his father] especially severe, as though it were my fault that smoking was not allowed on this day. The slightest provocation caused an explosion. I dreaded the Saturday rows, but all my efforts to avoid them were fruitless." Leopold Infeld, *Quest. The Evolution of a Scientist* (New York, Doubleday, Doran & Co., 1941), p. 32.

killing had happened on the Jewish Sabbath. A young girl and an old Jewish dealer had been killed. The murderer claimed that he had attempted to do business with the old man—some shady business—that he had walked into the girl's bedroom, she had screamed, and he had killed her and then "put the old Jew's lights out." The story proved that the murderer had not known the old man at all, since otherwise he would not have tried to do business with him on a Sabbath.⁹²

The "brides-in-the-bath murderer" George Joseph Smith committed each crime on Friday night "so that an inquest could be held over the weekend before any of the relatives could attend."⁹³

The Saturday night criminality is obviously caused largely by alcoholic and other excesses.⁹⁴ But our knowledge of crime would be rather slight if we did not attempt to look at the primary trends and conditions which lie behind the alcoholic uproar. The monotony of the assembly line has apparently something to do with this outburst; to step out of the terrifyingly dull routine, to do something of your own accord, not driven by that most pitiless of all slavedrivers, the machine, seems to be a mental and emotional need. I feel very certain that the situation would be much more critical if the movies did not allow some sort of release from the accumulated tensions. At the same time the stimulative effect of films should not be overlooked; in search for such encouragement large crowds fill the movies on Friday and Saturday nights.

Sunday appears to be the day of family catastrophes.⁹⁵ It is, strangely enough, often the day of disputes and fights. Long-entertained schemes are brought to sinister execution on Sunday afternoons and nights. Since alcoholic and other excesses

92. Wensley, *op. cit.*, pp. 27-28.

93. Neil, *op. cit.*, p. 32.

94. "Two Saturdays ago I rented one cabin eleven times." A tourist camp proprietor to C. R. Cooper. *Designs in Scarlet*, p. 169. That there is also a Saturday inattentiveness on the part of the public, exploited by pickpockets, is demonstrated by the report of an English prison doctor on a criminal. "He said he could get as much loot as he wanted on London Bridge on a Saturday afternoon, by relieving old gentlemen on their way home from business of their watches, while they were giving him minute directions as to the best way to Guy's Hospital." R. F. Quinton, *Crime and Criminals. 1876-1910* (London, Longmans, Green & Co., 1910), pp. 76-77.

95. Arson cases in Styria culminate on Sundays and Mondays as do family tragedies everywhere. *Monatsschrift für Kriminalpsychologie*, 1934, p. 474.

are not immediately overcome, but leave a highly irritated nervous system—the postalcoholic toxic conditions are all well known—we need not wonder that the week-end effects extend into the first day of the new week, the blue Monday. Many more things would happen on Monday if return to the plant did not mean a salutary separation of hostile and strained groups, matrimonial or otherwise.

The accommodating spirit of the victim is the clue to the successful execution of the offense. The same interaction, consisting of advance and acceptance, occurs in all walks of life and has its own periodicity.

Days of Infection⁹⁶
with Social Disease

	<i>Per Cent</i>
Sunday, holiday	32.7
Monday	8.5
Tuesday	10.8
Wednesday	8.5
Thursday	8.5
Friday	11.2
Saturday	19.8
Total	100.0

Direct mail advertisers have rules on the day of the week on which their letters should reach the desired customer. Wednesday is the optimal day. Friday and Saturday are undesirable, except with farmers who read mail on Sundays. Monday is a day of reduced listening, reading, and buying readiness. Clergymen, however, can be reached on Monday because it is "Ministers' Sunday."⁹⁷

It is clearly not immaterial whether a man is tried in district court on a Monday or a Saturday, at the first of the month or at the end of the month, in December or in June. Offense as well as penalty may come under the influence of the same physical forces.

96. Roesner, "Prostitution," *Handwörterbuch der Kriminologie*, II, 435 (figures of Dr. Hecht).

97. According to Sigmund Sameth, "They've Got You on a List," *Saturday Evening Post*, Nov. 11, 1944, p. 67.

Monday is regarded by popular belief as a day of darkness, risk, changeableness, and ill-luck. One should never marry on Monday.⁹⁸ Monday children die early.⁹⁹ Monday is called "blue," and blue is the color of deadly, ghostlike, fiendish things. We feel or look blue. We cry blue murder and so forth.

We may note in this connection that revolutionary outbreaks appear to have a tendency to occur on Mondays and Tuesdays.¹⁰⁰ An American instance is the great New York draft riot of 1863. The draft procedure had started on Saturday, July 11, 1863, and Saturday is the right day, certainly, for inaugurating an unpopular move if fireworks are to follow. People tired out by the week's work look for fun and relaxation on Saturday. There may be a brief and innocuous mob action, more in the line of entertainment than far-reaching schemes which might spoil Sunday's amusements. Thus Saturday was quiet, as was Sunday, although groups were seen forming and dissolving. But on Monday, July 13, the riots flared up. For four days they filled the streets of peaceful New York with death and destruction.¹⁰¹

6. *Lynching Periodicities*

Lynchings, although mostly criminal actions, are of a more complex nature than individual acts. There is the mob factor, and opposed to it the mass element of organized resistance by law-enforcement agencies, as displayed in frustrated or merely attempted lynchings. Lynching, moreover, shows degrees of mob violence from mere expulsion and whipping to killing and the most heinous atrocities. It rises to a peak in July,¹⁰² and so do attempted lynchings as registered in the Midwestern state of Iowa.¹⁰³ This may be regarded as a slow rise in murderous

98. Wuttke, *Volksaberglaube*, p. 368.

99. *Idem*, p. 59.

100. The Bastille was stormed on Tuesday, July 14, 1789, but unruly crowds were seen gathering on Monday. The coup d'état of Napoleon III was carried out on the night of Dec. 1, running through Dec. 2, 1852—that is, started on a Monday night.

101. According to an official statement "more than a thousand" civilians, policemen, and soldiers were killed. Others think "the minimum number may well have been 2000." Lynch, "*Boss*" *Tweed*, p. 244.

102. See Table II, Cutler, *Lynch-Law*, p. 163, and von Hentig, "Zur Psychologie der Lynchjustiz," *Monatsschrift für Kriminalpsychologie*, 1932, p. 308.

103. Paul Walton Black, *Some Sociological Aspects of Lynching in Iowa*, p. 38.

impulses and a weakening of inhibitory determination when we see that whippings have their peak in April, May, and June,¹⁰⁴ while lynching progresses to its deadlier manifestations in June and July.

In line with these facts is the observation that attempted lynchings reach their greatest number on Wednesday.¹⁰⁵ For obvious reasons the forces of resistance are still strong enough in the middle of the week to frustrate the execution of a mass murder. The collective crime is perfected in the majority of cases on Saturday.¹⁰⁶ In every instance, although the lynching attempt was sometimes begun during the day, the mass sought the cover of night to accomplish the deed.¹⁰⁷ Midnight or soon after was a favored time. Methods of prevention should be based on these observations.

7. *Crime and Other Geophysical Phenomena*

Moonlight, northern lights, volcanic eruptions, and earthquakes may exercise some sort of influence on human conduct. Radio reception, for instance, according to recent studies improves from the time of the month's first quarter to shortly before full moon. It is possible that such photo-electronic changes may not leave the nervous system completely unaffected. Northern lights and magnetic storms sometimes stop radio reception and even the function of cables. They are sensed by animals; dogs, for instance, in polar regions evince violent "fear." There is doubtless some strong physiological effect whose mental by-product is alarm.

We know little—too little—of how volcanic eruptions and earthquakes affect human beings. The Greeks and Romans anticipated such effects; whenever an earthquake was felt, political meetings and court sessions were to close immediately. According to Cicero it was not permitted to hold a popular assembly during a thunderstorm.¹⁰⁸

104. *Idem*, p. 38.

105. *Idem*, p. 10.

106. *Idem*, p. 39, Sunday 10, Monday 12, Tuesday 14, Wednesday 18, Thursday 11, Friday 14, Saturday 27.

107. *Idem*, p. 10. Iowa is an agricultural state with a small Negro population and a lynching frequency that has been greatly decreasing over a long period (1834-1910). More investigations are required.

108. Cicero, *De divinatione*, II, 43. "Iove tonante, fulgurante comitia habere nefas."

The writer has gathered the available material regarding the effects of earthquakes on the behavior of animals¹⁰⁹ and men.¹¹⁰

109. "Reactions of Animals to Changes in Physical Environment," *Journal of Comparative Psychology*, 1923, pp. 61 ff.

110. Über die Einwirkung von Erdbeben auf Menschen," *Archiv für Psychiatrie*, Aug.-Oct., 1923, pp. 546-568.

Part IV
The Victim

CHAPTER XII

The Contribution of the Victim to the Genesis of Crime

I am a man
More sinn'd against than sinning.
—*King Lear*

1. *The Duet Frame of Crime*

CRIME, for the most part, is injury inflicted on another person. Setting aside felonies directed against fictitious victims, the state, order, health, and so forth, there are always two partners: the perpetrator and the victim.

This doer-sufferer relation is put by our codes in mechanical terms. A purse is snatched, bodily harm is done. The sexual self-determination of a woman is violated. Mental factors are, of course, taken into account. So is felonious intent or malice aforethought. The "consent" of an adult woman changes the otherwise criminal act of rape into a lawful occurrence, or at least a happening in which the law is not very much interested. *Volenti non fit iniuria*. No one can complain of injury to which he has submitted willingly. In many other instances consent changes the legal aspect while the factual situation remains unaltered. By his or her decision the victim can, in spite of loss and pain endured, turn factual crime into a situation devoid of legal significance.¹ Noncomplaint after the event practically stands on a par with consent.

Yet experience tells us that this is not all, that the relationships between perpetrator and victim are much more intricate than the rough distinctions of criminal law.² Here are two human beings. As soon as they draw near to one another male or

1. Although morally dubious and under censure of other social controls.

2. It is therefore rather naive to maintain, "All sight has been lost of the fact that for every criminal there must be an innocent sufferer . . ." C. R. Cooper, *Here's to Crime* (Boston, Little, Brown & Co., 1937), p. 434. Read in the "Notable British Trials" series the case of the lawyer H. R. Armstrong by Filson Young, *Trial of Herbert Rowse Armstrong* (Edinburgh, William Hodge & Co., 1927).

female, young or old, rich or poor, ugly or attractive—a wide range of interactions, repulsions as well as attractions, is set in motion. What the law does is to watch the one who acts and the one who is acted upon. By this external criterion a subject and object, a perpetrator and a victim are distinguished. In sociological and psychological quality the situation may be completely different. It may happen that the two distinct categories merge. There are cases in which they are reversed and in the long chain of causative forces the victim assumes the role of a determinant.³

We are wont to say and to think that the criminal act is symptomatic for the lawbreaker, as a suicide would be, or a red rash on the skin. We have gone to great lengths, in studying our society, to classify and reclassify groups. Among common situations usually enumerated, however, we do not find the evildoer—evil-sufferer group. It is not always true that common interests give rise to a group; the problem presents many more depths. I maintain that many criminal deeds are more indicative of a subject-object relation than of the perpetrator alone. There is a definite mutuality of some sort. The mechanical outcome may be profit to one party, harm to another, yet the psychological interaction, carefully observed, will not submit to this kindergarten label. In the long process leading gradually to the unlawful result, credit and debit are not infrequently indistinguishable.

In a sense the victim shapes and moulds the criminal.⁴ The poor and ignorant immigrant has bred a peculiar kind of fraud. Depressions and wars are responsible for new forms of crimes because new types of potential victims are brought into being.⁵

3. The title of a well-known novel by Werfel, *Der Ermordete ist schuld*, expresses the moral transposition. It is already met in the legal notion of self-defense and the concept of grave provocation. The idea of the responsible victim is belatedly conveyed by decisions of the pardoning power; it cannot easily be rendered vocal by laws and court sentences.

4. In others it determines the question of guilt or the degree of penalty. In explaining a sentence of first degree murder and the death penalty in a case of manslaughter, Warden Lawes writes, "the deceased had been well liked and there was a certain amount of prejudice against Chapeleau's foreign origin"—the perpetrator being a Canadian. *Meet the Murderer*, p. 4.

5. A wave of war bond rackets swept the United States in 1944. Utilizing and shrewdly increasing the fear of many bondholders that the bonds might not be redeemed at full value after the war, and playing upon their patriotic reluc-

It would not be correct nor complete to speak of a carnivorous animal, its habits and characteristics, without looking at the prey on which it lives. In a certain sense the animals which devour and those that are devoured complement each other. Although it looks one-sided as far as the final outcome goes, it is not a totally unilateral form of relationships. They work upon each other profoundly and continually, even before the moment of disaster. To know one we must be acquainted with the complementary partner.

Often victims seem to be born. Often they are society-made. Sometimes the most valuable qualities render us easy victims. As always, mere chance, blind and senseless, is liable for what befalls us.

Some articles of criminal law determine the age level or the sex of the victim. Rape can only be committed against a female, mostly up to 18 years; as also abduction. Abandonment of wife, selling liquor or tobacco to children, can only be directed against these limited groups. Among the breaches of trust we find the "dishonest friend," dishonest servant, employee, trustee, bailee, attorney, and so on. Among the types of larceny there is that from intoxicated or sleeping persons.

Some crimes require personal contact, first for the approach and preparatory moves, then for the execution. The confidence man must establish personal relations: that is his medium. This approach may take the form of a connection by writing, telephone, or telegraph. In other felonies this direct and personal touch is avoided, since it would provoke defensive and obstructing reactions. In a burglary personal contact with the houseowner is not desired, and this holds true for most forms of larceny.

In felonies, such as robbery, the victim is met. In this case, however, the role of the victim is regularly a passive one. The instances in which resistance is offered and the victim assumes an active part are not frequent.

Even violence can only be exerted after the victim has been isolated or led away from the protective devices of nature or society. In Germany more than 35% of all murders committed tance to sell, these frauds proposed to lonely housewives to take orders for merchandise or other transactions, making payment in the bonds. See chapter on war and crime in Hentig, *Crime: Causes and Conditions*.

in the country were executed in the woods.⁶ How were the victims prevailed upon to enter the forest? The term "out of the woods," meaning out of anxiety or peril, is certainly not out of place here.

The victim is the injured party, and because he has been despoiled or harmed he is at the same time a claimant for punishment, for harm to be inflicted on the injurer. It is therefore of the utmost importance to the perpetrator that this capacity to be an informant and prosecutor should be eliminated or reduced. The criminal accordingly prefers victims who, for peculiar reasons, after suffering damage cannot breathe a word of it. Why should any victim set silence above retaliation? Criminal prosecution entails publicity. This publicity may be unwelcome for two reasons. Either it would do harm to the social status, marital security, or other vital condition of the victim, or the victim is a criminal or a delinquent himself and thus unable to set the mechanisms of the state in operation without himself coming too close to the crime-repressing agencies.

All these groups of criminally active persons would be a much vaster problem if the criminal who can be victimized in one way or another had not developed an *ersatz* law enforcement. Cut off from the protection of society, the criminal has developed most energetic patterns of intertribal morals, rules of conduct, and defensive taboos. He has strengthened the elaborate system of criminal ethics by the only mode of enforcement left to him: strong-arm methods.⁷

6. Figure computed from *Kriminalstatistik . . . 1931*, p. 34. It is extremely rare for a person to be murdered before the eyes of another individual. This shows the protective effect of company. Love-making, which excludes such companionship, is one of the most adequate means of isolation.

7. Thus the victim establishes himself directly as avenger and gets at the perpetrator. The insignificant figures of successful prosecutions of gang murders, etc., prove the relative efficiency of the method. The stronger gang prevails. During Prohibition, rumrunners circulated between Nassau and the coast of Florida. Gunmen from the underworld of New York equipped sea-going craft which would steal alongside a rumrunner and, the raiding party being armed to the teeth, board her, stick up the crew, and remove the valuable cargo. Rumrunners being as much outside the law as the pirates, there was no redress and no protection but physical force. See Netley Lucas, *Crooks: Confessions* (New York, George H. Doran Company, 1925), p. 118. On another instructive racket by which the "victim" duped the smart delinquents, see *idem*, pp. 50-54.

Since it would be hard and wearisome to wait for situations in which the victim is practically defenseless,⁸ many criminal games aim at giving the prospect a lift. The wanted combination of circumstances is brought about. Some sort of temptation is dangled before the strongest human urges; the victim takes the bait and the crime is committed in the ensuing discrediting situation.⁹

The number of victims, for obvious reasons, surpasses that of perpetrators. This is precisely the meaning of the term and phenomenon of "mass murder." Yet the number of people killed cannot compare with those robbed or harmed by mass burglars, mass swindlers,¹⁰ and mass rapers. If a study were to be made of a majority of persons victimized by the same criminal, using the same method, in the same circumstances, science would gain a more comprehensive picture of this subject-object relationship, which has not only theoretical but practical significance.

Most crimes leave us with an unknown lawbreaker and a known victim. A thorough knowledge of all possible and typical relationships between the one who injures and the one who is injured presents the investigator with valuable clues, as do the mode of execution, the locality of the crime, and the time it was committed. Through this type of knowledge we would learn a lot, too, in the realm of prevention; recognizing potential victims, potential injurious situations, and such material as would tend to complement the dangerous perpetrator-victim relationship. However, we are only at the beginning of the task and still fighting for mere recognition of the grave problem.

That the ideas of the criminal center on the victim, his assailable qualities, his appetites and foibles is not surprising. This continual preoccupation is reflected by his lingo. The

8. Only fools or psychotics might report the offense. For these reasons drug addicts are avoided.

9. On such shakedowns see Sutherland, *Professional Thief*, pp. 78-81. The popularity of Europe for indulging in all sorts of foibles rests on the reduced danger of extortions in another hemisphere.

10. It is startling how close the psychological connection is between the mass swindler and the mass murderer. Murder is only a protective device by which the potential complainant or prosecutor is silenced. See the cases of Palmer and Landru, in Douthwaite, *Mass Murder*, pp. 89 ff., 220 ff. See also the case of the widow Sorenson in S. H. Holbrook, *Murder out Yonder*, pp. 127 ff., and the Hoch case in E. H. Smith, *Famous Poison Mysteries*, pp. 112 ff.

terms "mark," "chump," or "clown" only designate the aim of the attack or the inferiority of the attacked.¹¹ In contrast, the word "prospect" seems to indicate a relationship: the victim is considered as a prospective and ill-fated business partner. He is the object of a "prospector." Whether Webster's interpretation of the term "sucker" as one "who is sucked or bled, hence one easily duped or gulled"¹² is correct I do not venture to decide. It could be that the original meaning was a victim who is easy to deceive, or one who could be made to suck.¹³ It is certainly not without psychological significance that "sucker" means both the sucking individual and the sucked, and that "gull" embraces both cheater and cheated. It is the linguistic expression of an intimate doer-sufferer relation which consists of a series of changing situations. Criminal law looks at the latter phase and distinguishes roughly between the active and the passive partners of the game.

Many terms of jargon describe vividly the stages in this tightening and then again dissolving partnership between the swindler and the victim of a confidence game.¹⁴ This term itself indicates a contest between two or more, and finally takes on the connotation of an animal under pursuit, an object of chase.

Professional thieves hold that most law-abiding people would willingly be dishonest if certain to remain undetected and unpunished.¹⁵ A thief, we are told, "contacted a bank employee in the can (lockup) where the employee was held on a domestic court case of some kind. The thief asked the teller if bank employees ever thought of stealing the bank's money which they handled daily. The reply was: 'Everyone of them in every bank every hour thinks of stealing money but does not know how.'"¹⁶

Regardless of whether this is a warranted generalization, it appears true that confidence men and card cheats very often encounter people who are themselves determined to make money

11. German cant uses the expression *Kaffer* in exactly the same way. It has nothing to do with the African *cafir* but comes from a Hebrew root, *kafar*, meaning hamlet, and signifies a boor. Kluge, *op. cit.*, p. 273.

12. See Webster under "sucker."

13. This is exactly what the German term *Säugling* ("suckling") means.

14. See "buildup," "blowoff," and "cool off," explained in Sutherland, *op. cit.*, pp. 235-236. The slang terms "awakening" and finally "beef" present the final phases of the rescinded relationship. The victim rages like a mad steer in telling the sad story of his adventure. See MacDonald, *Crime Is a Business*, p. 6.

15. Sutherland, *op. cit.*, p. 53.

16. Irwin, *op. cit.*, p. 15.

in a dishonest way.¹⁷ The knowledge that he has to deal with a partner who has larceny in his heart or in his fingers does not operate as an inhibition to predatory instincts. A philosophy of "he asked for it" or "it serves him right" comes into play. The moral inferiority of the victim bestows not only practical but moral immunity, especially when the victim is well to do and the offender hard up.

Will Irwin, the card cheat, reports himself as addressing the district attorney in these words:¹⁸

See here. As far as this complaint goes, you've got me to rights. It don't go far enough—that's all. That fellow did go up against me in three-card monte, and I did skin him out of his roll. But he ain't telling the rest. I knew he was a city man of easy means; he thought I was a poor granger from Texas who had sold my farm and was bringing the money East to put my wife into a sanatorium. Believing that, he put his roll up against mine under the impression that I would be easy. Now who's the worst of us two, that drummer or me?

If the district attorney really let him go he was acknowledging a new causative factor: the large amount of latent dishonesty in law-abiding mankind.

2. Suicide: A Doer-Sufferer Combination

Suicide is an introverted act of destruction. Whether this is turned on the perpetrator himself or bursts forth against another being depends partly on the disposition of the individual, including racial traits;¹⁹ partly on the pattern of circumstances. In accordance with the stronger vitality of the female there appears to be a reluctance on the part of the woman to victimize herself; thus the suicide tendency seems to be equal for the two sexes despite the fact that the number of consum-

17. Or have already done so. This robbing of embezzlers and similar delinquents leads to odd rationalizations: "I have won hundreds of thousands from thieves who were making track for some other country to keep out of jail and to spend their ill-gotten gains. I enjoyed beating a man that was loaded down with stolen money more than any one else. I always felt as if it was my duty to try and keep the money in our own country." Devol, *Forty Years a Gambler on the Mississippi*, p. 283.

18. *Op. cit.*, p. 15.

19. See the low suicide rate of the Negro, the high ratio of the Jew.

mated suicides is higher for men than for women.²⁰ Adding together attempted and achieved suicides we arrive at approximately the same rate for both sexes.

Murder and suicide are complementary phenomena: the total amount of available destructiveness is discharged in two psychologically similar, socially distinct *Gestalten*. The curves drawn by Walter Lunden from Pennsylvania suicide and murder figures are most impressive.²¹ If (as has been done) comparative figures are gathered to show the relationship between business activity and suicide,²² homicide data should be added and a uniform economic area selected.²³ The depression of 1921 is not suitable for such comparisons since war aftereffects are still operative and manifest.

In a suicide pact murder and suicide enter into a still more intimate integration. All shades of interaction may be woven together in an act in which the husband kills his wife, the children, dog and canary, and finally himself. European terminology calls it a broadened suicide.

3. *Victim Statistics*

Can we accept without further question Brearley's statement that in 1924-26 "slightly more than four times more males than females were homicide victims" in the United States, while in England, "women are more often slain than are men?"²⁴ I do not think so. What Brearley does is to compare American homicide figures and European murder data. English and German murder statistics do not include voluntary and involuntary manslaughter and the many cases of justifiable or excusable killing,²⁵ or death from assault, rape, or abortion. Many of these

20. The female rate is much higher in India than the male.

21. Lunden, *Statistics on Crime and Criminals*, p. 98.

22. See Walter C. Hurlburt, "Prosperity, Depression and the Suicide Rate," *American Journal of Sociology*, July, 1931-May, 1932, pp. 714-719.

23. A valuable comparison of the murder and the business cycle for Allegheny County and business activity in the Pittsburgh district, covering the period 1906-39, has been made by Lunden, *op. cit.*, p. 93. There were fewer murders during bad times, coinciding with an increase in suicides, especially in the years 1930-32.

24. Brearley, *Homicide in the United States*, p. 81.

25. According to a pamphlet, *Reforming America with a Shotgun*, quoted by Brearley, by Nov., 1929, more than 1,000 persons had lost their lives in the enforcement of the Prohibition laws alone. *Idem*, p. 46.

forms of homicide turn the scale heavily in favor of female victims. There are other variations involved in the problem; there is a surplus of females in Europe, in contrast to the American deficit—more “supply,” economically speaking, including victims. The American rate is further affected by a racial antagonism which involves a competitive contest of males and raises the male Negro figures, decreasing the female proportion.²⁶

All these facts, to which may be added the American mobility in matrimonial matters, do not permit one to accept Brearley's interpretation of American figures without reservation. There may be fewer female victims on this side of the ocean—or fewer such cases may be discovered; the deviation does certainly not amount to 400%.

One is tempted to break down the victim figures by sex and type of relationship. The following figures are from German statistics:²⁷

Victims of Murder By Sex and Relation to Killer (Per Cent)		
	<i>Male</i>	<i>Female</i>
Relatives, fiancés	26.7	73.3
Acquaintances	61.2	38.8
Third persons, not acquainted	52.0	48.0

By splitting up the unequal group of relatives²⁸ and sweethearts we arrive at this result:

Victims of Murder (Per Cent)		
	<i>Male</i>	<i>Female</i>
Relatives	100.0	63.4
Sweethearts	—	36.6

26. Of 411 murder victims in Memphis, Tenn., counted for 1920-25, 340 were males; the Negroes amounted to 258, or 75% of all male victims. Computed from figures in Bruce and Fitzgerald, *A Study of Crime in the City of Memphis, Tennessee*, p. 20.

27. Computed from figures in *Kriminalstatistik . . . 1931*, p. 87.

28. “Relative” embraces the categories of parents, spouse, legitimate child, siblings, brother- and sister-in-law, stepson, grandmother, uncles and aunts, nephews or nieces.

Among the relatives, husband and wife are important objects of murderous attacks:

Related Victims of Murder:²⁹

Husband and Wife

	<i>Per Cent</i>
All male relatives	100.0
Husbands	14.3
All female relatives	100.0
Wives	61.5

In commenting on these figures we must say that when a man is found murdered we should first look for his acquaintances; when a woman is killed, for her relatives, mainly the husband and after that her paramour, present or past.

A further distinction has been introduced by Dr. East, who compares 300 insane murderers admitted to Broadmoor, England, with 200 sane homicides of a series he himself investigated over a period of years.³⁰ These figures show that the "sane" homicide aims at different human targets from the insane.

Victims of Sane and Insane Murderers
(Per Cent)

<i>Type of Victim</i>	<i>Normal Perpetrators</i>	<i>Insane Perpetrators</i>
Stranger	16.5	6.6
Acquaintance, friend	20.4	29.2
Paramour or sweetheart	31.2	8.1
Wife	16.5	26.5
Other relation	15.4	29.6
	100.0	100.0

The normal murders menace their paramours and their acquaintances; wives and other relatives are comparatively let

29. *Ibid.* The small numbers render the result statistically not quite dependable.

30. *Medical Aspects of Crime*, p. 369.

alone, while strangers are more than twice as much in danger from normals as from the insane. The psychotic homicide is a peril to "other relations" and to acquaintances, very much so to his wife and very little to his paramour. The high number of dementia praecox cases among insane murderers may explain the smallness of these figures since schizophrenics do not care very much for sex relations; are even afraid of them.³¹

Often it is hard to say whether the perpetrator's combative propensities are responsible for the deadly outcome; or infidelity, lack of loyalty, and the deep-seated urge to domineer over the weak, small or pain-loving, algedonic male.³²

Although the rate of female perpetrators in murder oscillates between 9 and 12% in Germany,³³ this proportion exceeds the participation of females in serious crimes. In Michigan the commitment rate for homicide in 1936-38 was.³⁴

	<i>Per Cent</i>
Male prisoners	4.6
Female prisoners	8.7

31. See the dementia praecox patient reported by East who "had heard women say as he passed, 'pity a poor woman,' and this, he said, was an invitation for him to seduce them. He believed his feet had been affected by electricity and that the rash on his face was caused by the 'spark plugs' from the electricity of the women." *Forensic Psychiatry*, p. 191.

32. See the chapters on aggressiveness, ill-temper, and violence, and on the egotist, autocrat, and the domineering man in Bernard Hollander's *The Psychology of Misconduct, Vice and Crime* (London, 1922), pp. 72 ff. and 147 ff. Crippen and Armstrong became murderers after suffering grievously from female autocrats. Their trials fill two volumes in the "Notable British Trials" series.

33. The exact figures for 1931 are:

	<i>Per Cent of All Victims</i>
Killed by males	91.9
Killed by females	9.1
(In addition)	
Killed by male and female associated	3.0

Computed from figures in *Kriminalstatistik . . . 1931*, p. 37.

34. See *Statistical Report Regarding Arrests and State Prisoners Committed and Released during 1936, 1937, and 1938* (Lansing, Michigan Prison, 1939), pp. 7, 8.

Most interesting is the relationship of murderer and victim broken down on both sides by sex and race. Between the two races certain conflicts of a personal nature are vastly reduced, other zones of friction added. The following figures deserve our fullest attention:

Murder Victims in Memphis, Tenn.³⁵
411 Victims 1920-25

<i>Victims</i>	<i>Murderers</i>	<i>Per Cent</i>	
White males 82 persons (20%)	Killed by white male	48	58.5
	Killed by white female	8	9.9
	Killed by unknown	15	18.3
	Killed by colored male	9	10.9
	Killed by colored female	2	2.4
White females 19 persons (4.6%)	Killed by white male	12	63.2
	Killed by white female	6	31.6
	Killed by unknown	1	5.2
Colored males 257 persons (62.5%)	Killed by white male	50	19.4
	Killed by colored male	142	55.0
	Killed by unknown	13	5.0
	Killed by colored female	52	20.2
Colored females 52 persons (12.6%)	Killed by colored male	40	76.9
	Killed by colored female	9	13.3
	Killed by unknown	3	5.8

Who kills whom? Where can we find manifest racial diversities? What do these figures tell us? Almost twice as many colored males are killed by white males, relatively, as white by Negroes (19.4% compared with 10.9%). White females were responsible for killing about 10% of all white male victims; the contrasting 20.6% of colored males murdered by colored females shows the greater aggressiveness of the colored woman.³⁶ Relatively more white females were killed by white females than colored females by members of their own sex and race. There were in all:

35. Computed from figures given by Bruce and Fitzgerald, *op. cit.*, p. 20.

36. Or the use of less obvious murder weapons (poison, etc.) by white females.

101 white victims and 124 white murderers

310 colored victims and 255 colored murderers,³⁷

which leaves the white race with an excess of killing over being killed.

If the Memphis statistics were complete and correct³⁸ they would prove that in this section of the country:

Per Cent

Of all white victims 73.2 were killed by white

Of all white victims 10.9 were killed by colored

Of all colored victims 78.7 were killed by colored

Of all colored victims 16.2 were killed by white.³⁹

It must be stated generally that colored people are to a greater extent victims of their own race. From the point of view of racial battle lines they are more self-destructive than dangerous to the majority race.

Brearley has presented figures quoted from F. L. Hoffman which show that the average ages at death for homicide victims were:⁴⁰

	<i>Age</i>
Memphis	31.7
Birmingham	31.6
New Orleans	31.3
Boston	31.6

37. Sixteen white and 16 colored were killed by perpetrators of unknown sex and race.

38. That of 411 victims 92.1% should have been killed by known perpetrators seems a level of perfection unknown in the annals of crime detection. The New York Police Department, for instance, reports only 65.6% of all murder and manslaughter cases as "cleared by arrest" (average of the period 1938-40), which is far from knowing anything as definite as the sex or race of the real perpetrator. Figures computed from *Annual Reports, 1938-40*, pp. 6, 10, 79.

39. To be added are these figures:

Per Cent

Of all white victims 15.9 were killed by unknowns

Of all colored victims 5.1 were killed by unknowns

40. *Op. cit.*, p. 79. Memphis, 1924-28; Birmingham, 1927-29; New Orleans, 1920-26; Boston, 1920-26.

I add a percentage computation of homicide victims in the United States (1908-12)⁴¹ and murder victims in Germany (1928-30):⁴²

Age of Victim United States		
<i>Age Group</i>	<i>Male</i>	<i>Female</i>
Under 5	3.7	12.0
5-19	7.2	14.7
20-29	33.8	32.6
30-39	28.1	21.3
40-49	15.9	11.2
50-59	7.3	5.0
60-69	2.9	1.7
70-79	0.9	1.2
80 and over	0.2	0.3
	<hr/>	<hr/>
Total known ages	100.0	100.0

Age of Victim Germany		
<i>Age Group</i>	<i>Male</i>	<i>Female</i>
0-10	13.6	16.0
10-20	10.2	6.7
20-40	27.0	44.0
40-60	39.0	22.7
60 and over	10.2	10.6
	<hr/>	<hr/>
Total known ages	100.0	100.0

There is in both statements the typical prevalence of the female child. The younger woman is highly endangered in both countries. There is a distinct discrepancy for the older man, who is much more frequently a murder victim in Germany than in the United States. The diversity of the legal frames "homicide" and "murder" should be remembered.

The statistics that inform us as to why the murderer killed

41. *Idem*, p. 78.

42. Computed from figures in *Kriminalstatistik . . . 1931*, p. 86.

his victim tell us at the same time why the victim was killed; by this apparent truism one may underline the fact that murder motives are not only indicative of the perpetrator but in many cases point to a relationship and can only be understood by the play of interactions which are motive-forming or inhibition-removing. Motives do not originate in a vacuum; they are caused as well as causative. One of these causes is not infrequently the personality or attitude of the victim.

The New York Police Department gives the following motives of murder and manslaughter cases:

New York City ⁴³ Murder and Manslaughter Reported Motives Five-year Average, 1936-40	
	<i>Per Cent</i>
Criminal dispute or revenge	3.5
Gambling dispute	2.2
Marital or passion	26.0
Dispute—debt or business	2.6
Dispute—drunken	2.0
Altercation—various causes	34.3
Commission of felony, robbery, etc.	5.7
Revenge	1.4
Indecent assault	0.5
Mercy killing, mistaken identity*	0.5
Unknown	21.3
Total	100.0

* Figures for one year only; a single year gives the motive category "prostitution dispute."

Omitting commission of a felony, indecent assault, mercy killing, and mistaken identity, and even deducting 50% of the unknown motives, about 85% of the murder and manslaughter cases would be left, in which the very motive of killing indicates the operation of a partnership. The murderous act is a more or less adequate response to stimuli and irritating agents,

43. Computed from figures in *Annual Reports, Police Department, City of New York, for the Years 1937, 1938, 1939, and 1940*, pp. 6, 6, 10, 79.

thrown out by the law, thrown out mostly by judges, but recognized sometimes in jury verdicts and often in pardon petitions.

It is unfortunate that our statistics are not more specific, leaving more than half of all registered causes to the broad uncertainty of "Altercations—various causes" and unknown causes.

German data permit us to break down murder motives by sex of the victim.

Murder Motives⁴⁴

Germany
135 Victims
(Per Cent)

<i>Motive</i>	<i>Male</i>	<i>Female</i>
Robbery	30.8	23.1
Aversion, weariness	12.3	21.8
Fear of denunciation	9.2	19.2
Personal conflicts*	12.3	12.8
To escape legal obligation	1.5	12.8
Instigation	9.2	1.3
Sex crime	—	5.1
To inherit property	6.2	1.3
To get insurance money	4.7	2.6
To escape arrest or confinement	12.3	—
Mercy killing	1.5	—
All motives	100.0	100.0

* Includes jealousy, hatred, quarreling, vengeance, etc.

Looking at the motive from the side of the victim we notice that the following are apparently male tendencies trained against the female: aversion, fear of denunciation, sex weariness, and the wish to escape a legal or moral obligation. This is mainly why men murder women. Males kill other males chiefly to rob them or to escape arrest and confinement. Murder seems highly personalized in so far as it is directed against females, much less so when men are killed.

44. Computed from figures in *Kriminalstatistik . . . 1931*, p. 37. Two "sex unknown" not included.

Whenever the problem of culture areas and crime comes up we speak not of the criminal but of the area in which some individual has been victimized.⁴⁵ Clifford Shaw has shown that sections of Chicago have high crime rates and that delinquency fades with distance from the city center.⁴⁶ The assumption is that criminals are herded together in areas adjacent to the central business district, and that the slum produces criminals. The suggestion is offered herewith that slums attract both potential victims and potential criminals, the prey and the prey, and that out of their contact originates what we call crime, or vice, or unlabeled exploitation.

These people do not by any means live entirely in the slums or areas adjacent to railroad tracks, canals, or the districts of heavy industry. They come from all parts of the city to meet as brokers convene at Wall Street, and then scatter again. This rendezvous is assisted and promoted by powerful economically interested parties who have built up convenient meeting places in the guise of amusement establishments, night clubs, gambling houses, and so forth. Here victims present themselves or are presented by the owners of countless places of entertainment and "fun."

It is the same with certain areas of relaxation. Who are the first to arrive in Florida and southern California in winter, and Colorado in summer—the confidence men or the prospects? It would be only a slight overemphasis if the field of criminology were to accept and introduce the term "victim areas," to which are drawn certain types of criminals. Here they prosper, associate into powerful gangs, and develop new commando techniques. They are the deleterious mosquitoes, but they could not exist if there were no social swamps.

Nothing is known statistically of those who are victimized by larceny, burglary, robbery, or even the confidence game, although some murderers are primarily swindlers who cover their retreat by killing the potential complainant. Insurance companies should know more about these things, since the people robbed are only technically, the insurance companies actually

45. See Sutherland, *Principles of Criminology*, pp. 131 ff.; Wood and Waite, *Crime and Its Treatment*, pp. 95 ff.; Lunden, *op. cit.*, pp. 114 ff. (with a good chart of murder areas in Pittsburgh); Brearley, *op. cit.*, pp. 6 ff.

46. *Delinquency Areas* (Chicago, University of Chicago Press, 1929),

and economically, the victims. In many burglary and arson cases the alleged victims are in reality the perpetrators and the winners.

In arson the picture is somewhat obscured by the current habit of looking only at fires reported or fire loss, instead of singling out items of varying economic background. In 1932 when the business index was at its lowest point between 1906 and 1939 the loss by farm fires was double the 1939 figures, as may be seen by the following:

Farm Fires and Business Index, Iowa

Year	Fire Loss ⁴⁷ Iowa Farms	<i>Business Index</i> ⁴⁸ 11 Counties, Western Pennsylvania
1932	1,831,032	48.1
1939	895,261	83.0

The reversal of figures is obvious and conceals some causative connections, yet the relationships are most complex. The farmer is the first victim of the depression and the crash of agricultural prices. His monetary obligations, as by magic, are doubled. The next move in a time of credit restriction is to set fire to his barn or farmhouse and cash the insurance money. He thereby assumes the double role of "loser" and winner. He is a gainful victim.

The role of victim is sometimes profitable in other ways. The "false check shake" described by Sutherland's professional thief is one of these tricks.⁴⁹ The victim can, on the other hand, be neutralized as a danger to the criminal: one way is the use of blackmail, and this is the cheapest method.⁵⁰ Another is to buy him off; after a victim has been robbed of \$158 on a streetcar the fixer for the pinched pickpocket induces him to accept \$200 for his loss and for laying off.⁵¹ Having earned \$42 the victim no longer wants to prosecute and the case is dismissed.

The loss of money can be reduced or even turned into a deal by other methods. After jewelry has been stolen the thief knows

47. Figures from *Annual Report of the State Fire Marshal, State of Iowa*, 1932, p. 5, and 1939, p. 40.

48. Business index (per cent of normal) quoted by Lunden, *op. cit.*, p. 93.

49. *Professional Thief*, p. 81.

50. *Op. cit.*, p. 90.

51. *Idem*, p. 97.

that he will not get more than 25% of the value or less from the fence. This sometimes leads to a different procedure. In a book to which J. Edgar Hoover has written the foreword we read:

Nowadays all good jewelry is insured and the loser simply calls up the company and goes back to sleep.

The insurance company would naturally prefer to settle with the thief for half or two-thirds of the face of the policy than to pay the entire sum. An \$100,000 loss can be translated into \$70,000 and the resulting advertising of the loss and the payment will bring in enough new business to make the robbery almost pay for itself.⁵²

More serious is the situation when burglaries of jewelry, furs, silk, and similar valuables are staged by the merchants themselves or when hold-ups are arranged by banks in default. This is one case from the files of the FBI.⁵³

. . . the door of the bank was pushed open one morning, various underworld characters complete with guns bounced in, the cashier turned over the money . . . When the sheriff came in to browse around he accidentally found a package of ten thousand dollars hidden in the cashier's cap. In the subsequent inquiry it was developed that the president was a defaulter, that he brought a friend in to help him cover up and the friend became a defaulter also, and finally they had arranged . . . to have a bank robbery committed on a share-the-wealth plan.

We must therefore add the figure of the "fake victim" to our classifications.

More is known of victims as far as sex crimes are concerned. I do not speak here of victims in prostitution, although the legal notion of soliciting has been established. Our idea is that innocent girls, or at least girls who would prefer to remain innocent, are seduced by cunning and wicked males. Prostitution, however, is a most perplexing phenomenon and it depends on many factors, mostly hidden, who, psychologically, is the com-

52. Corey, *Farewell Mr. Gangster*, p. 93.

53. *Idem*, p. 204.

mittor and who the sufferer. There may be cases in which both partners are both in one way or another.

Nearly all other legal versions of sex offenses are sex-bound: they protect the female from the male. He is the perpetrator, she the victim, and even the gratified female is supposed to be victimized if the law does not give her consent legal strength. This artificial limitation is reflected by our statistics, as seen in the following figures:

Victims of Rape by Age⁵⁴
Arrests, New York
1937-41

<i>Age</i>	<i>Per Cent of All Victims</i>
7-12	7.9
12-14	7.8
14-18	63.0
Over 18	1.3
Not reported*	20.0
<hr/>	
Total	100.0

* There are violent and inexplicable oscillations in this category, as 2.6% in 1937-38 and 32.7% in 1939-40.

Statistics begin to be inaccurate as soon as, for merely legal reasons, the combination of two accomplices changes into that of perpetrator and victim. A girl under the age of consent, or subject to fraud, violence, or undue influence, is not an accomplice in the felony of incest. Under European laws, in Germany for instance, a female 18 years and under is regarded as victim and not punishable; as soon as the age limit has been reached practically no incest cases seem to happen any more. The simple reason is that the girl has become an accomplice and she or her mother is reluctant to report occurrences which endanger them as much as the guilty relative.⁵⁵

54. *Annual Reports, Police Department, City of New York, 1938*, p. 118; 1940, p. 118; 1941, p. 82.

55. See the perpetrator-victim figures in Hans von Hentig and Theodor Viernstein, *Untersuchungen über den Inzest* (Heidelberg, 1925), p. 205; there seemed to be a relationship between the age of the older partner (mostly the father) and the victim or associate.

The crime of abduction is practically limited by the fact that supervening marriage in many cases terminates the conflict. If the victim is very young this means of solution is not available: hence high arrest figures in the age group 14-18.

New York City⁵⁶
Arrests for Abduction by Age of the Victim
5-year Average, 1937-41

	<i>Per Cent</i>
Females 12-14 years	9.4
Females 14-18 years	78.3
Females over 18 years	13.3

In abduction a requirement is that the female be "taken" and that she be taken "from" a father, mother, guardian, or other person having legal charge of her. Since, as has been justly said, the term "taking" defies any satisfactory definition,⁵⁷ it is obvious that slight shades in the conduct of the abducted girl decide the guilt or nonguilt of the abductor. Everything depends on the victim: when married she cannot be abducted from her husband, when she escapes from an institution, becomes a streetwalker, and is then taken she is not abducted. When connection has been lost between parents and daughter or guardian and protégé there is no longer a situation of being "taken away from" any one of them. Some rather insignificant move on the part of the girl—leaving home and rooming with a friend, for instance—gives to the male who takes her, but does not take her from anyone, immunity.

Assault, if not directed against an officer, is the expression of some conflict. The question is not irrelevant as to who is assailed in one of those countless fist-fights that refresh the monotony of life. We must leave aside the fact that hundreds of thousands of assaults remain unreported and stick to the figures available:

56. *Annual Reports, Police Department, City of New York, 1937*, p. 120; 1939, p. 124; 1941, p. 82. In a very few cases female abductors have been arrested.

57. Sears-Weihofen, *May's Criminal Law*, p. 226.

New York City⁵⁸
Arrests for Assault
1937-41
(Per Cent)

<i>Total Victims</i>	<i>Male Victims</i>	<i>Female Victims</i>
100.0	58.2	41.8
Male aggressors	95.5	85.7
Female aggressors	4.5	14.3
	100.0	100.0
Total aggressors	100.0	100.0

It is highly probable that many more women attack males than assail females, although our figures point in the other direction. As shown by our movies, males when slapped often attach a nonoffensive meaning to the gesture.

4. *General Classes of Victims*

The Young

The weak specimen, in the animal kingdom and in mankind, is the most likely to be victim of an attack. Some such as the young and the old are feeble in body; some belong to the weaker sex,⁵⁹ others are feeble in mind. The failing may consist in the excessive strength of some vital urge which tends to blunt the ordinary mechanisms of caution and forethought.

Youth is the most dangerous period of life.⁶⁰ Young creatures under natural conditions are the ideal prey, weak and easy to catch and savory.⁶¹ Many survive because an older pro-

58. *Idem*, 1937, p. 116; 1939, p. 120; 1941, p. 78.

59. As illustrated by the offenses of abandonment of child, wife, or parents, which presuppose conditions of frailty.

60. Hans von Hentig, "Die biologischen Grundlagen der Jugendkriminalität," *Monatsschrift für Kriminalpsychologie*, XIX, 713.

61. The terms "greenhorn" (in German *Grünschnabel*) and "gull" (derived from "yellow"—see the German word *Gelbschnabel* and the French *bec-jaune*) both denote one easily cheated, a dupe. The "pigeon" means one who is an easy prey and an inexperienced, unsuspecting, amusingly simple creature. We need only look at older crooks robbing younger delinquents of their loot, by shooting dice and compelling them to do more stealing, to see that the victim element and delinquency are closely interwoven. See the story of James Martin in Shaw's *Brothers in Crime*, p. 235. Youth, of course, may be a protective element—in

tective group, the parents, lend them their physical strength and experience. They are kept in the sheltered zone of a nest, den, and so forth. The perilous task of search for food is spared them. They are not released from this sphere of paternal care until by growth, play and imitation, they have attained an adequate faculty of self-protection: the adult stage.

The protective instincts of parents may be lacking or reverted. Human society has therefore set up rules in support of them. By violating such duties the parents commit an offense. Yet laws cannot regulate the variety of relationships linking parents and children. In modern industrial civilization the adolescent often becomes an active and decisive partner in the family unit. His departure may break the economic equilibrium. There is the offense of cruelty to children, but no "cruelty to parents"—the widowed mother for instance. The runaway breaks the "social contract" of mutual aid in a family community as much as does the father who neglects the youngster or turns him out. Many of our legal notions still reflect the closely knit agricultural family group, but the father has largely lost the economic power of boss, foreman, and teacher rolled into one.

Children do not own property and thus should be largely exempted as victims of property crimes. They can, however, be interposed heirs, and their elimination may switch an inheritance in a given direction.⁶² Children often are insured; their death may bring money.⁶³ The child may be in the murderer's way for other reasons. In a Hamburg case a woman whose husband had not been heard of for ten years wanted her lover to return to her; he had left because she had a 12-year-old boy who was troublesome. The mother drowned the boy to win him back.⁶⁴

Since the practices of birth control and abortion have gained ground the old crime of infanticide has become rather rare. The victims were mostly illegitimate children.

poison murders, for instance, when sudden death will regularly arouse suspicion. A lack of finesse along this line ended Dr. Palmer's successful career. Kingston, *Law-Breakers*, p. 40.

62. As in the Swope murder case. E. H. Smith, *op. cit.*, pp. 175 ff.

63. See the Billik case, *idem*, pp. 128 ff.

64. Elssmann case. Wosnik, *Beiträge zur Hamburgischen Kriminalgeschichte*, I, 116 ff.

Our statutes have raised the 10-year age of consent to 14, 16, 18, and 21 years in the various states. In a case of carnal knowledge the woman is always a victim, since even the consenting female is presumed to be incapable of consenting. It is obvious that in many instances the legal notion conflicts with the factual situation; in practice it is up to the "victim" whether she will make use of her victim powers or not. All our statistics on rape are unreliable; recent trials in which noted movie stars and producers have been involved show that blackmail is rampant.⁶⁵

It is not only among grown females living in states with a high consent age that the seducee-seducer type is met; it is astonishing how many younger girls and even children are victims more in law than in fact. F. Leppmann, one of the most experienced medicolegal experts, has pointed out the facts that some very small girls do not make any resistance, do not try to escape, and show "semicompliance," a mixture of curiosity and fear, bodily intactness, and mental challenge. Without this prerequisite many cases of statutory rape, Leppmann says, would not materialize.⁶⁶

In my own investigation of a large number of incest cases I found that the incestuous relationships in nearly half the cases had a duration of a year or more, the best evidence that the alleged factor of compulsion must have been absent in many instances.⁶⁷

The Female

Female sex is another form of weakness recognized by law—numerous rules of our criminal code embody the legal fiction of an ordinarily weaker and a stronger sex. The groups of crimes against chastity and against family and children are meant to be a protective device against the superior physical

65. The change of a "benefactor" into a malefactor was demonstrated by the Charlie Chaplin trial in March and April, 1944.

66. Leppmann, "Der Sittlichkeitsverbrecher," *Zeitschrift für gerichtliche Medizin*, 1906, p. 26. Leppmann gives examples of how the cracking of ambiguous jokes, certain dancing techniques, even certain immoral mores of crowds which girls have joined, contribute to the criminal outcome. *Idem*, pp. 28-29.

67. Von Hentig and Viernstein, *op. cit.*, pp. 203-207. See case No. 23, p. 124. On belated rape information as a weapon to achieve revenge, extortion, and exculpation from other slips and from jealousy see Georg Nordhausen in *Handwörterbuch der Kriminologie*, II, 230.

force or the neglect of the male. As we look more closely into the situation it is apparent that there are many victims of greater male strength; but women do not easily become victims of this inequality except as special circumstances supervene. Wherever we study European murder statistics the high rate of female victims in the vocational group of personal services is remarkable.⁶⁸ What happens is first corruption and, when pregnancy has resulted, physical removal of the eventual claimant. The maid or servant comes from the poorer strata of population.

On the other hand many older women are murdered because they are supposed to be wealthy and, in their narrow stinginess, possessors of cash or valuables. By greed of gain they have acquired what needy people consider to be riches; the same avidity renders them blind to the possibility of new gain and to all individuals who throw bait to their greediness, thus forcing a tempted swindler to the length of murder if he is to profit. We shall meet this victim in the psychological classification.

It is legally incorrect to speak of a "victim" when both perpetrator and "victim" are involved in a criminal enterprise, but psychologically in certain forms of crime there is a sort of victim status. This is demonstrated by the much higher risk rate of one of the associates; the hazardous part is mostly played by the younger partner. Such relationships are for instance the fence-burglar, or the prostitute-pimp or the boss-sluggish or -killer combinations. Burglar, pimp, and killer are regularly younger; they are the "exploited" and this is true even in the case of the bully who receives money but in turn has other heavy duties to perform. Some old criminals become "pawnshop owners" or fences because they thereby reach a higher level of profit and security. It is one of the advantages of the pick-pocket and similar criminal attackers to get money at full value

68. The problem is obscured in the United States by the interference of racial factors. Of 100 females ten years old and over gainfully employed in domestic service,

19.8 were native white females

62.6 were Negro females

Sex ratio and age distribution, having their peak between 15 and 29 years, add more weight to the unfavorable balance. *Abstract of the 15th Census of the United States, 1930*, p. 331; and *Population by Relationship to Head of Household and Age*, 16th Census, 1940, Series P-19, No. 3, July 15, 1943 (Washington, 1943), pp. 2, 3, 4.

instead of the 60–80% deductions of the fence.⁶⁹ Fence, prostitute, and gang boss can at any moment get rid of the compromising associate by delivering him in some devious way to the police. The high conviction rate of the young group, the low rate of the older group evidence a psychological and factual victim situation.

The Old

The aging human being is handicapped in many ways. Of the life-preserving instincts, self-preservation, coinciding largely with the acquisitive impulse, is stimulated. The weaker an individual grows physically the more he will tend to strengthen other supporting strong points around him: the more or less artificial security granted by property, the safety-giving institutions of society, paid guards, and so forth. It is a mildly or openly fearful attitude, and whoever can overcome the distrust or relieve the chronic apprehension of the senile can approach him for better and for worse.⁷⁰

Although the sex instinct seems irritated in old age, it is my belief that it is not by reason of a real stimulation but by a deficiency of the controlling brakes. The inhibitions are slurred. But regardless of whether toxic products of disintegration operate on the mechanism of the impulses or their inhibitors, a belated career of sex delinquency may and often does result. A highly profitable career may be opened to the criminal, with a perfect victim—perfect because of the social status to be lost and therefore to be considered; because of the perhaps very great economic power of the aged man; and because of his blind infatuation for some object of his senile predilections.⁷¹

69. On fences see Sutherland, *Professional Thief*, pp. 145–147; and Spenser, *Limey Breaks In*, p. 180, where the author admits that he would not have been so busy pulling jobs if the fence had not urged him on, even by scouting places to break into. For a description of another fence in operation see pp. 221 ff.

70. There is a strange sort of senile bias which sometimes favors the access of a murderer. See the Swope case in Kansas City (E. H. Smith, *op. cit.*, p. 177), and the Rice case in New York (Lawes, *Meet the Murderer*, pp. 143–146).

71. One murder case had the following background. I quote the report: "The Merkli—she was a 55-year-old pawnbroker—soon was charmed with the (22-year-old) defendant because he bore a resemblance to a defunct former lover. She demonstrated her liking by loaning pretty highly on his pawns, in spite of her usual stinginess." Wosnik, *op. cit.*, II, 132.

That old men are at once the most lucrative and most moderate clients is a professional tenet among prostitutes.

It is true that one should stick to the legal definition of the victim. Yet old and young alike can become "victims" in the form of decoyed associates. They come to be, first, victims of the stronger mind, then perpetrators under the law, and when caught and sentenced, "victims" again. One frequent form of being thus victimized is to join a gang or an immoral association. Under the guise of a protecting assemblage these groups lead boys and girls deeper, more thoughtlessly, and more insidiously into delinquency. If young creatures are thus above all self-harming—victims of their biological and mental incompleteness, and subject to the leadership of an older or stronger mind—in old age the relationship is reversed. The younger man is now the stronger and the older associate becomes the victim, or better, the living tool. The mere tool quality is not recognized in law except in cases of complete irresponsibility. East has reported the following history of a patient:

He [an old man] was arrested with another man for stealing two dozens of camisoles. He had a clean record until ten months before, when he was arrested for loitering in company with the same man; he was then discharged. His wife considered, and with reason, that he was a tool of the younger prisoner, for he lacked any initiative himself and was only fit to carry out the simplest instructions. And his part in the offense appeared to have been limited to carrying the cardboard boxes containing the stolen articles through the streets.⁷²

Leaving aside such secondary problems as that of the senile doctor playing an unsuspecting role in a murder scheme,⁷³ two forms of death have not been paid sufficient attention: the mass

72. East, *Forensic Psychiatry*, p. 220.

73. In the famous murder case of Dr. Palmer the murderer had found an old colleague who supported his diagnoses and signed the death certificates. "The chief practitioner of the town," says one report, "was an octogenarian of great local repute but failing mentality, . . ." After poisoning his wife, Palmer "to render his position ironclad, called a further opinion in the form of another octogenarian practitioner . . . who without making any examination of the body had no hesitation in adding his signature to the document." Douthwaite, *op. cit.*, pp. 92, 101–102.

death of old and decrepit people hospitalized in private homes⁷⁴ and the large number of deaths by fire.⁷⁵ In the first case the situation presents an incentive to get rid of the old patient, since a lump sum is paid so that the old man be cared for for the "rest of his life." The danger lies in the fluidity of this period; a reduction of the interval promises profit and infirmity renders the diagnosis of cause of death difficult. As to the second category, approximately 15,000 deaths are caused by fire every year in the United States.⁷⁶ This figure does not include deaths from injury or exposure to fire. Too many people, in this writer's opinion, are burned by exploding oil burners, or while burning weeds or leaves in the barnyard, or are said to have fallen asleep while smoking and thus ignited their bedding. That a woman of 72 should pour benzine over her body, touch a match to the fluid and commit suicide⁷⁷ can only be accepted after very careful investigation. In all such fires babies and old people are the main sufferers.

The elder generation holds most positions of accumulated wealth and wealth-giving power. At the same time it is physically weak and mentally feeble. Its rate is high in accidents and suicides, and although statistics do not openly say so, in victims of homicide. In the combination of wealth and weakness lies the danger.⁷⁸ Old people are the ideal victims of predatory attacks. Since the aged section of the population is ever in-

74. Two such cases are reported by E. H. Smith (*op. cit.*, pp. 265, 296 ff.). In the case of the baby-farmer Elisabeth Wiese (Hamburg, 1903) at least four children of illegitimate mothers were adopted on payment of a sum. The children vanished, allegedly adopted by parents in England or Austria. Wosnik, *op. cit.*, I, 41 ff.

75. Much attention has been paid to property loss through fire but little to loss of life. It has been maintained by competent investigators that professional firebugs can be procured for fees, usually a percentage of the insurance collected. Fees from life insurance should not be overlooked as a possibility.

76. *Twenty-fifth Annual Report of the State Fire Marshal, State of Iowa* (1938), p. 23.

77. *Idem*, p. 20.

78. A typical instance is the case of the murdered 84-year-old millionaire Rice. The old man had a butler-secretary-nurse called Jones. The millionaire was described as "cooking his own food, while Mr. Jones ate in a restaurant." Edmund Pearson, *Five Murders*, p. 209. Jones confessed, "I told him [a man who was eager to have a new will made in his favor] that Mr. Rice was in the habit of waking up suddenly and was not exactly conscious of what he was doing and that he would sign any paper I would put before him." *Idem*, pp. 232-233.

creasing, crime will be directed against it with new vigor and in new forms. It is probable that, like youth and the female sex, old age will be in need of new protective devices—protection from its own infirmities.⁷⁹ Law will reduce that perilous unlimited self-determination which, at great age, often becomes a self-wrong or a wrong to the family group.

The Mentally Defective and Other Mentally Deranged

The feeble-minded,⁸⁰ the insane, the drug addict, and the alcoholic form another large class of potential and actual victims. The English Mental Deficiency Act of 1913, section 1, defines the varieties of amentia:

The following classes of persons who are mentally defective shall be deemed to be defective within the meaning of this Act:

Idiots: That is to say persons so deeply defective in mind from birth or an early age as to be unable to guard themselves against common physical dangers;

Imbeciles: That is to say persons in whose case there exists from birth or from an early age a mental defectiveness not amounting to idiocy yet so pronounced that they are incapable of managing themselves or their affairs, or, in the case of children, of being taught to do so;

Feeble-minded persons: That is to say persons in whose case there exists from birth or from an early age mental defectiveness not amounting to imbecility yet so pronounced that they require care, supervision and control for their own protection or for the protection of others, or in the case of children, that they by reason of such defectiveness appear to be permanently incapable of receiving proper benefit from the instruction in ordinary schools;

79. It is the old problem of the "willing victim." Are we allowed to prevent an individual by force from committing suicide? Whether an abortion committed on a patient, moreover, leaves that woman a "victim" is hard to decide. Here again there is conflict between the legal presumption and the factual situation.

80. We are concerned here not so much with the individual of defective I.Q. as with morally, emotionally, and volitionally defective persons who become included in this category as soon as the I.Q. or M.R. (Mental Ratio) falls below the age of nine. Social inefficiency or fitness for being a victim depends much more on temperamental defects than on defective intelligence.

Moral imbeciles: That is to say persons who from an early age display some permanent mental defect coupled with strong vicious or criminal propensities on which punishment has had little or no deterrent effect.⁸¹

In all four categories the normal play of motivating forces is upset; benefit does not attract, danger does not turn away. The danger may be physical, may come from human beings or from human institutions. It has justly been maintained that certain high-grade defectives "may be more dangerous than the professional criminal, who has at least some regard for his own safety."⁸² Their very imperviousness to the warning sensations of danger renders the feeble-minded imprudent. The fearless are imagination-proof and thus good victims.

All terminal stages of amentia present basically the same situation. Wherever there are suicidal tendencies⁸³ or acts of self-accusation⁸⁴ we may expect such persons to become victims of others as well. The number of larcenies, robberies, rapes, and even murders⁸⁵ committed on intoxicated people exceeds all expectation. The short change game is exclusively played on drunk or tipsy customers.⁸⁶ The drug addict is the prototype of the doer-sufferer.

Intoxicated individuals are easy prey in many forms of property crime, from giving of short change⁸⁷ to jack-rolling.⁸⁸ Pickpockets size up unsteady homegoers from cocktail parties

81. East, *Forensic Psychiatry*, p. 29. On the definition of the Royal Commissioners see *idem*, p. 91.

82. *Idem*, p. 86.

83. Among 1,000 cases of attempted suicide East found

393 cases due to alcohol, directly or indirectly

82 cases of feeble-mindedness, neurosis, epileptic, borderline

123 cases of insanity

Total, 59.8% of all cases of attempted suicide. *Idem*, pp. 253, 330.

84. "A lad aged nineteen was arrested for being in possession of harness, supposed stolen. His statements were quite unreliable; he said he took the harness out of a pony trap because he was hard up. He was an imbecile . . . On inquiry the police ascertained that the harness had been loaned to him by the owner." *Idem*, p. 94.

85. Nearly all attempts on the life of the racketeer Mike Malloy were made while he was drunk. Lawes, *op. cit.*, pp. 113-114.

86. Benney, *Low Company*, p. 186.

87. *Idem*, pp. 185-186.

88. Described in Shaw, *The Jack-Roller*, pp. 96-98.

and later celebrations. The Belgrade Institute of Legal Medicine has added a valuable contribution by examining 214 bodies of victims of homicide and trying to establish traces of chronic or acute alcoholism.

Individuals Killed,⁸⁹ 1924-33, Belgrade
By Symptoms of Alcoholism

		<i>Signs of Alcoholism in Per Cent</i>
Killed by murder	55	9
Killed by manslaughter	159	70.4
Total	214	54.7

Stress should be laid on the fact that alcoholism cannot always be revealed by the postmortem and that coexisting pathological processes may obliterate the picture (for instance, diabetes, highly progressive tuberculosis, morphinism, and cocaineism); the figures must therefore be regarded as minimal.

Of all males killed, 66.6% turned out to be alcoholics. The victim of murder was rarely an alcoholic;⁹⁰ the victims of manslaughter, in contrast, contributed to the act—to the large extent of 70%—by being under the influence of alcohol. This provocative attitude seems to be a constant criminogenic factor. Often the crime is the result of two alcoholic individuals, meeting at a certain time, under certain circumstances, suffering from certain grievances which have been suppressed until that moment.

The odd crime of bigamy is mostly committed by men. They are sent to prison and are regarded as great sinners. To commit a crime in which the evidence is documentary and deposited in public records seems weak-minded from the beginning. Warden Lawes has noted that “as a rule, all of the wives of a bigamist

89. M. Milovanović, “Alkoholismus der Getöteten als kriminogener Faktor,” *Monatsschrift für Kriminalpsychologie*, 1935, pp. 31-34.

90. Cases are known in which the drunken stupor of the brutal husband invited murder by the wife (Kingston, *op. cit.*, p. 111); where three glasses of beer rendered the prospective victim almost helpless (*idem*, p. 261); or where a weak-willed drunkard could be easily induced to insure his life and assign the policy to his doctor brother, as in the Palmer case (*idem*, p. 38).

want to visit him.”⁹¹ A further remark casts an interesting light on the doer-sufferer relation in this offense. “The bigamist,” he adds, “is almost never a handsome, aggressive, or brainy man, but usually so effeminate that I sometimes wonder if they were not more ‘led’ than ‘leading.’”⁹² It seems likely that these “hoosiers” of sex relations suffer from a lack of normal power of resistance. They succumb to the wishes and enticements of the so-called victims.

Immigrants, Minorities, Dull Normals

Three other groups of typical victims may be mentioned. An artificial disadvantage is imposed on the immigrant, the minority race, and the large class of what the psychological testers call the “dull normals.” This handicap extends from the social sphere to everyday conflicts. All are easily and frequently victimized.

We have already considered the immigrant status, or the situation of being a forcigner, from the point of view of criminality. There is a tendency all over the world to make the foreigner bear blame for others.⁹³ Their different appearance,⁹⁴ their poverty, the life in slums, the disturbed balance of sexes, their competitive efficiency, all render them suspect. In America for a long time the idea prevailed that these aliens must be highly criminal, till careful statistical studies gave evidence of their low delinquency. In European countries forcigners coming from the West—the United States and the Dominions—are supposed by contrast to be rich people; they

91. Lawes, *Life and Death in Sing Sing*, p. 94. “But this of course is not permitted,” says the Warden. The prison rules protect the poor wretch of a bigamist.

92. *Ibid.*

93. In a discussion of defectives in G. County, Ind., on report says: “Considerable degencracy was found among the feeble-minded. Degenerate mountain folks from North Carolina have come into the county. Descendants of the English convicts, who poured into Georgia when England opened her prisons and sent her convicts over here to the colonies, are also found.” Quoted by Newell Leroy Sims in *The Rural Community, Ancient and Modern* (New York, Charles Scribner’s Sons, 1920), pp. 574–575.

94. In fathoming the “Middletown spirit” the Lynds run into the tenet that “only foreigners and long-haired troublemakers are radicals” and that “most foreigners are ‘inferior.’” Robert S. and Helen Merrell Lynd, *Middletown in Transition* (New York, Harcourt, Brace & Co., 1937), pp. 414, 407. “In Italy a drunkard is called a Frenchman, a beggar a Spaniard, a card-sharper a Greek.” Ellis, *The Criminal*, p. 168.

are regarded as wealthy—noncriminal, but good victims.⁹⁵ Immigrants from the East, again, are poor, highly competitive, and thus received with distrust.

Immigration means more than a change of country or continent. It is a temporary reduction to an extreme degree of helplessness in vital human relations. Leaving aside the linguistic difficulties, all psychological ties have to be redispersed which connect the human being with other men and protect him from them. Through many costly mistakes and blunders and through many years of painful experience a new and safe equilibrium is established.

The inexperienced, poor, sometimes dull immigrant is an easy prey to all kinds of swindlers.⁹⁶ Fraud would not have happened in the narrow and closely knit world he came from; the former social situation, rigid but highly protective at the same time, has not prepared him for the competitive new surroundings, and since the immigrant thinks that the new life is superior he confuses technical progress with moral superiority. He therefore arrives full of expectations, hopes, and idealized prospects, his ingrained peasant suspiciousness dismantled and disarmed by his belief in a new and a better world.

A clergyman, Dr. Bartlett, thus reports his first contacts with the Russian sect of the Molokans who came to Los Angeles:⁹⁷

The first years were very trying for them. Strange, idealistic, tongue-tied, they were exploited by many real estate men who sold them dry, sandy desert land with no prospects for water or crops. They moved their families hundreds of miles away from the main Colony, only to come back penniless, and a few of them broken in

95. In order to take in the cardsharp's gang which was lying in wait for him, the master crook described by Netley Lucas played two easy-victim roles at the same time. He ". . . was young and spoke like a colonial, though his speech even on arrival was somewhat thick and there was no doubt that he was in a state which would render a thorough plucking an easy matter." Lucas, *op. cit.*, p. 51. Speaking of two confidence men Spenser writes: "They were well dressed and fairly well spoken, but no Englishman of the better class would have been deceived by them. They therefore confined themselves to 'working' Colonials and Americans." *Op. cit.*, p. 240. "These thieves prey largely upon Americans and Colonials . . ." Ferrier, *Crooks and Crime*, p. 140.

96. See the Polish immigrant woman who did not know the difference between bills. She was a middle-grade imbecile. "She has very often passed \$5 for \$1." Thomas and Znaniecki, *The Polish Peasant in Europe and America*, II, 1660.

97. Young, *Pilgrims of Russian-Town*, p. 156.

health. If they came to me before the contracts were signed, I could generally ward off an unscrupulous deal. . . .

The shock these immigrants experienced may not have shaken their solidly established concepts and traditions;⁹⁸ it is less certain whether the second generation, more "realistic" and less disciplined, will not have acquired a misleading picture of the forces which made the New World's success.

There is no doubt that delinquency areas are urban sections of physical deterioration, changing population, economic dependency, and high proportions of foreign and Negro population.⁹⁹ In this zone of transition "as families and individuals prosper, they escape from this area . . . leaving behind as marooned a residuum of the defeated, leaderless, and helpless."¹⁰⁰ I have quoted this passage because it lays more stress than is usually done on the victim qualities of many slum dwellers. The "first settlement immigrant colonies, rooming house districts, homeless men areas, resorts of gambling, bootlegging, sexual vice, and breeding places of crime"¹⁰¹ are made up of delinquents and ready objects of delinquency. The establishment of a vice district has been neither planned nor intended by anyone; it is a symptom of physical dilapidation and economic distress, and the attempt to capitalize on these factors as well as the lack of status and the bias under which the immigrants are laboring.

Racial minorities do not receive the same protection of the

98. The pathetic story of a duped immigrant is told by Park and Miller, *Old World Traits Transplanted*, pp. 56-59. When he can no longer pay the installments on his household furnishings, he goes to see the store managers. "I went to them and asked them to wait. They promised me. But when I went away to-day for a job and when I returned I found something that shocked me so that I nearly lost my mind. The house was vacant; they had taken away everything from my house; my wife was lying on the floor, her hair disheveled; two men were holding her and two men were yanking everything out. Now it is winter and we are without a stove and without anything. . . . So I decided to end my life, but before I do that I want to avenge myself on the two murderers." For abundant material on the immigrant as victim see Claghorn, *The Immigrant's Day in Court*, pp. 1-65.

99. Shaw and McKay, *Social Factors in Juvenile Delinquency*, pp. 60 ff. (Vol. II of *Report on the Causes of Crime*).

100. E. W. Burgess, "Urban Areas," in *Chicago, an Experiment in Social Science Research*, ed. T. V. Smith and L. D. White (Chicago, Chicago University Press, 1929), p. 116.

101. *Idem*, p. 114.

law as is given to the dominating class. This attitude makes it easier to victimize them. Minority groups, with justification, fear exploitation and abuse. They can be approached with less suspicion by members of their own group; that is why Italians prey on Italians, Negroes on Negroes, Filipinos on their countrymen.¹⁰² The delinquency of certain races even bears a special character; thus modern techniques have deprived gypsies¹⁰³ and Negroes of the profit of their time-honored skills.¹⁰⁴ Defenseless victims of this catastrophe, they resort to minor forms of property delinquency.

One is not allowed to speak of delinquents as "victims" of criminal justice, with one exception. If the treatment of many law-enforcing agencies is grossly discriminatory, concept and term are justified. No crime is more difficult to judge than murder when mere statistical methods are used and details are lacking. Discrimination however is demonstrated in the following figures:

Murder Indictments by Race of Offender and Victim¹⁰⁵
 Richmond, Virginia
 1930-39
 (Per Cent of Total Convicted)

<i>Sentence</i>	<i>Negro- Negro</i>	<i>Negro- White</i>	<i>White- White</i>	<i>Total</i>
Life, or death	5.7	100.0	26.7	10.5
20 years to life	22.0	—	20.0	21.1
10 to 19 years	30.5	—	6.7	27.1
Under 10 years	41.8	—	46.6	41.3

All the few Negro-white murder indictments ended in a life sentence; when a Negro killed a Negro the penalties were

102. MacDonald, *Crime Is a Business*, pp. 2-3.

103. Horse trading has been ruined by the automobile. On the gypsy's ability to do smith's work and his increasing "unemployment" see Block, *Zigeuner. Ihr Leben und ihre Seele*, pp. 102 ff.

104. Von Hentig, *The Criminality of the Colored Woman*, pp. 251-252.

105. Computed from figures from Guy B. Johnson, *The Negro and Crime*, Annals of the American Academy of Political and Social Science (Philadelphia, 1941), p. 99. Our data rest on Johnson's nonreduced data and differ from his computations.

lighter than when a white killed a white.¹⁰⁶ In Richmond there was about the same number of nollepros and acquittals in slayings of Negroes by Negroes and whites by whites. In five North Carolina counties, however, mentioned by the same author, the percentage of these releases was 18.6 in all cases in which Negroes killed Negroes and 31.1 when white killed white.¹⁰⁷ The value of these figures is greatly accented by the fact that many killings will have left the prosecution at an earlier stage of the judicial procedure and cannot be considered any more. We know that the justifiable category of homicide falls heavily on the colored victim.

The large group of "dull normals" seems born to be victimized in many ways. The success of countless swindlers can only be explained by the folly of their victims, not by their own universal brilliance. Insane and feeble-minded girls are protected against seduction; simple-minded females are not. The physiological stupidity which is just above a mental age of 11 years and 2 months and just above an intelligence quotient of 70 is the great hunting ground for all types of criminals.

It is not without significance that the class stratification within a prison sets apart the simple-minded and rustic persons who are despised as eternal suckers.¹⁰⁸ The vocabulary of the prison is full of terms disdainful of the fool and his delusive ways of life. The words "yokel," "clown," "lout," "bumpkin," "apple-knocker," hoosegow designate an ignoramus, an awkward and easily imposed-upon country fellow. From the terms "sucker" and "yap"¹⁰⁹ it may reasonably be concluded that the

106. There was only one case among 220 indictments in which a white killed a Negro. *Ibid.*

107. *Ibid.* The North Carolina figures—330 cases—embrace three rural and two urban counties.

108. "This third, or lowest class, includes practically all the abnormal sex offenders, the dull, backward, and provincial persons, the lower range of the feeble-minded, some of the known stool pigeons, the persons who show a marked lack of physical courage, the confirmed 'suckers,' the extremely pious, the habitual braggarts, and some sexual perverts." Clemmer, *The Prison Community*, p. 108.

109. A yelping young dog. The corresponding German word is *Pinscher*, which means a tiny ratcatcher. It is certainly good psychology on the part of Scotland Yard to send to the race courses officers dressed as farmers. Ferrier, *op. cit.*, p. 150. These countrified detectives are the most likely to attract swindlers.

dull normal types are recognized as close to certain infantile levels. A sociology of epithets remains to be written.¹¹⁰

5. *Psychological Types of Victim*

The Depressed

Our legal categories look very simple: one is injured, the other guilty. But psychologically things are not so easy. For instance:

a. The injury may be desired, in some cases even lustfully longed for.

b. The injury may be the price of a greater gain.

c. The detrimental result may be brought about partly by the concurrent effort of the victim.

d. The detrimental result would not have followed without the actual instigation or provocation of the victim.

The law assumes that the perpetrator is always the directing agent at the back of any move. It takes for granted that the "doer" is always, and during the whole process which ends in the criminal outcome, active, the "sufferer" always inactive. It is characteristic of our legalistic thinking that the notion of provocation has been allowed to enter into our criminal codes, only in a very limited way. Individual variations are discounted. "There must also be a reasonable proportion between the mode of resentment and the provocation":¹¹¹ this is the law—full of majesty but devoid of finesse.

The reciprocal operation of affinities between doer and sufferer can be measured in degrees of strength. It ranges from complete indifference to conscious impulsion. The following scale may be set up:

110. Another group of epithets originated from the corruptness of the medieval servant class, "knave" in English for instance meaning in a general way a rascal, and the German terms *Halunke* and *Knote* both signifying a low type of servant. The English "cornstalk" for an Australian means rustic and slow; see the German *langstielig*.

111. Sears and Weihofen, *May's Law of Crimes*, pp. 272-273. "Thus it is believed that while drunkenness may explain the sudden passion, which normally would not have existed in a sober man, yet the drunken man should not be permitted to assert that certain conduct was a provocation unless it would have been recognized as such if the defendant had been sober." *Idem*, p. 57.

Attitudes of the Victim

1. apathetic, lethargic
2. submitting, conniving, passively submitting
3. coöperative, contributory
4. provocative, instigative, soliciting.

However, in the present state of our knowledge it appears more practical to form a tentative classification following broad psychological symptoms. The first and probably most important of these categories is the apathetic type.

The so-called combative propensity consists of fighting qualities and traits which enter into play as long as physical contest does not seem hopeless. The most courageous savage would beat a hasty retreat from a spirit in which he believed or from a volcanic eruption. Human beings are thus equipped with a "radar" of fear. It is the imagination of danger and therefore an instinct of highest biological value.

Among all maladies there is no graver and more dangerous disease than a disturbance of the instinct of self-preservation. We may omit the disorders of the instinct of nutrition, which may be pathologically reduced, suppressed or increased. More interesting to us here is the instinct of bodily integrity; without it the individual, deprived of warning outposts, would be easily surprised and overwhelmed by dangers or enemies. The ailment may consist of analgesia, the absence of sensibility to pain, or of indifference to harm or injury in prospect. It reaches its culminating point in weariness of life and the innate tendency to self-destruction.¹¹²

Such depressions are met in most psychoses: of course in the manic-depressive insanity, but also in dementia praecox in all its shades, in alcoholism, general paralysis, epilepsy, and senile dementia. In addition there are numerous individuals who cannot be labeled clinically insane but who suffer from a low vital tonicity, are mildly depressed—not suicidal, but indifferent to peril and defense, unsuspecting, careless, "fearless,"¹¹³ from

112. It starts with carelessness and proceeds to a readiness to hurt oneself, or self-mutilation. It is to be found in a depressive phase, alcoholic intoxication, epilepsy, and imbecility.

113. On the fear of consequences see the able argument in Bernard Hollander's *Psychology of Misconduct*, pp. 114 ff.

simple unconcern. The laziness which many criminal anthropologists thought to have found in the criminal is more "indolence"—that is, the refusal to be moved by pain, present or future.¹¹⁴ If some groups of delinquents seem to belong to the human type of low vital tone, it must be said that these depressed individuals are the most likely to be detected and arrested. That persons endowed with a weak instinct of self-preservation are often victimized cannot be doubted. Sometimes they present themselves as adequate victims not only to the criminal but to the state itself by false confession.¹¹⁵

The depression may be chronic¹¹⁶ or temporary and physiological. A victim function is sometimes assumed by one of the associates in a crime who is persuaded to participate. Slowed down physically by the depression, he is the first to be caught. Such was the case with the widower William Jones whose story is told by Ferrier.¹¹⁷

That fatigue reduces the power of resistance is well known to the interrogating detective, the high-pressure salesman, and

114. Ellis, *op. cit.*, p. 148: "It is not without reason that French criminals call themselves *pègres* (from *pigritia*), the idle."

115. Altavilla, *Psicologia giudiziaria*, pp. 251 ff. Or they commit crimes in order to be executed. Of a patient who attempted to cut a boy's throat with a razor East writes: "I found him to be deeply depressed, unconcerned with his position or the fate of the boy . . . He said he had been depressed for a long time, and wished to die, but was afraid to commit suicide, so he made up his mind to commit murder in order to be hanged." *Forensic Psychiatry*, p. 35. See also von Hentig, "Gerichtliche Verurteilungen als Mittel des Selbstmordes und der Selbstverstümmelung," *Archiv für Kriminal-Anthropologie*, LIV, 54 ff.

116. In a paper published in the *American Journal of Criminal Law and Criminology*, 1940, p. 304, I have drawn attention to the most peculiar Peltzer murder case (Brussels, 1881) and the depressed victim, who indifferently walked into the trap the murderer had set for him.

117. "A case which caused . . . public interest was that of William Jones, David Hood, William Rae, and Peter Robinson, four notorious burglars. Probably 50 per cent of the burials in North London occur at Finchley, and as Jones had lost his wife, she was buried in one of the Finchley cemeteries and his three pals attended her funeral with him. After the interment they adjourned to a public house near the cemetery, and had several drinks to 'drown their sorrow.' Hood, addressing Jones, said:

"It's all very well for you, Jones, putting the old woman under the sod, but what about us three? Your pleasure has cost us a day's pay. Don't you think we had better make a good day of it—'do a job,' get a day's pay, and so 'kill two birds with the one stone'?"

The others agreed. During the burglary they were disturbed, and had to run across a field; of the four, Hood and the mourning widower Jones were the first to be arrested." *Op cit.*, pp. 50-52.

the professional Casanova. The extremely exhausted human being has a much-weakened sense of self-preservation.

Strangely enough the manic individual, too, suffers from a dislocated instinct of self-preservation. The best example is the general paralytic in the initial phase of the psychosis. His grandiose delusions of being wealthy, very strong, and the cleverest and most potent sort of being bring him into immediate danger because reality does not correspond to his assumptions though his actions are based on them. Here as in mania and alcoholic insanity there is carelessness of a different origin: euphoria and expansiveness produce an incorrect assessment of the effective opposing conditions, with attendant wrong inferences and resulting misfortune. The manic who was "quite jubilant at being in prison" and the paralytic who was "so contented in prison that he told his wife she had better come and live with him there" ¹¹⁸ show the absence of a sense of danger or misfortune. Puberty with all its *Sturm und Drang*, exuberance, and psychomotor excitement is another example of a potential victim situation.

The Acquisitive

The acquisitive specimen of humanity is another excellent victim. The greedy can be hooked by all sorts of devices which hold out a bait to their cupidity. The excessive desire of gain eclipses intelligence, business experience, and inner impediments. "Bankers," says a swindler, "are very good prospects. They engage in a lot of speculative business and anyone who speculates is a good prospect." ¹¹⁹ "The 'sucker,' as a rule," writes a competent police officer, "believes in his own superior intelligence and knows that certain things are possible. He has heard of others who have made large sums through similar operations. He will therefore listen very readily to the smooth proposals of the buncos." ¹²⁰

118. East, *Forensic Psychiatry*, pp. 320, 237.

119. Sutherland, *Professional Thief*, p. 70. "We try to find someone who is living beyond his means, who has social ambitions, or whose wife has social ambitions which are beyond their income. The banker who is speculating is probably short in his accounts already, and a chance at big profit will generally appeal to him as a way out of his difficulties."

120. MacDonald, *op. cit.*, p. 1, "Professional men, reputable businessmen, and even bankers are their victims. Police executives have also been listed as victims, yet these men seldom succumb virtuously, for while the operations may

The assertion of a former convict is doubtless correct that it is impossible to beat an honest man in a confidence game.¹²¹ The idea that if "there were no larceny in a man and he were not trying to get something for nothing and rob a fellow-man it would be impossible to beat him at any real con-racket"¹²² has been shared, in part at least, by the New York judiciary. The Court of Appeals some years ago enunciated the general theory that where a person parts with his money for an unlawful or dishonest purpose, even though tricked into so doing by false pretenses, a prosecution for the crime of larceny could not be maintained.¹²³ However, at the next session the legislature amended the penal code to invalidate this stand.

The acquisitive victim may be lured away from the moral supports of his home and his usual surroundings¹²⁴—from a cautious wife, perhaps—to be murdered, as happened in the famous Troppmann case (1869).¹²⁵ Often another factor is

appear to be those of a legitimate business enterprise, the victim is seldom deceived on this point and really knows that he is in some manner gaining an unfair advantage." *Idem*, pp. 1-2.

121. Sutherland, *op. cit.*, p. 69. In an interesting piece of rationalization another swindler writes: "These suckers ought to be trimmed. It is a hard thing to say, but they are a dishonest lot and the worst double-crossers in the world." *Ibid.*

122. "A confidence game will fall absolutely unless the sucker has got larceny in his soul." *Ibid.* MacDonald adds, quoting a bunco: "An honest person will not allow himself to be a party to any scheme in order to gain sudden riches. A man must have larceny in his mind to become a perfect victim." *Op. cit.*, pp. 1-2.

123. Train, *True Stories of Crime*, p. 114.

124. In the Peltzer case, in order to lure the lawyer Bernays away from home a certain Vaughan, who represented himself as a big businessman, held out the bait of a substantial profit: "... the business was urgent . . ." he wrote, "could not the lawyer himself make the journey from Antwerp to Brussels, where Vaughan had just rented a house at 159 rue de la Loi, quite close to the station where Bernays would arrive? The unknown client added that he would place his carriage at the disposal of the lawyer in case he should care to take advantage of his visit to Brussels to attend to other business there.

"For a lawyer to visit a client, especially a client whom he has never seen, is against all legal etiquette, but Vaughan had such good reasons for this disregard of custom that . . ." Bernays accepted and was murdered. Harry Gerard, *The Peltzer Case* (New York, Charles Scribner's Sons, 1928), p. 36.

125. The murderer induced his friend to leave his home town and go with him to the eastern border of France. "There was, he confided, in an old and apparently abandoned château at Herrenfluch, Alsace, a room in which good friends of his own had installed the last word in up-to-date machinery for the manufacture of spurious coin; machinery that turned out its products with such verisimilitude that after a long term of operations the authorities were not even aware that base coin was in circulation." Douthwaite, *op. cit.*, p. 131.

added: a wave of avarice is sweeping the country,¹²⁶ or the attacker makes his approaches in a confidence-inspiring disguise. For many people devoutness is an effective cover.¹²⁷ "Pickpockets sometimes dress as clergymen; pretend to be short-sighted and carry a book in hand. . . ." ¹²⁸ Book and glasses represent intellectual accomplishment, allergy to material things, and estrangement from worldly things.

The so-called white slave traffic does not consist of archvillains and drugged girls carried to waiting automobiles and shipped forcibly to foreign countries. "Young girls," writes an expert, "are sometimes beguiled into going abroad, but in other than very exceptional instances, the only influence used is the persuasion of an oily tongue and imaginary pictures of pleasure, beautiful clothes, applause, happiness, and wealth—base and lying appeals to vanity and cupidity."¹²⁹ The victim is eager for high wages and for a good time. The inducible breeds the inducer.

The "gain" frequently consists, not of doubling your money by dishonest methods,¹³⁰ but of other unusual advantages. A woman swindler will represent herself as the daughter of the

126. Note the background of the Troppmann case: "At this time France was undergoing a phase of industrial transition. Revelation of the power of steam in its relation to manufacture and transport had shown possibilities of *making* to those who for uncounted generations had realized only the possibility of *growing*. Steam was turning the farmer into the manufacturer and transforming the hind into the artisan. If the husbandman still held pride of place, many were lured from their holdings by the prospect of easier money and softer living. Inevitable, also, with the new ease with which fortunes were made, that the thirst for wealth should break out like an angry rash upon the face of the country." *Idem*, p. 126.

127. Ferrier reports of a fraud: "He was of the oily, plausible variety of human, and preached at street corners in London. His wife and his relatives were rather pleased at his eloquent preaching and his influence for good. Whenever he preached at formal meetings he invariably attracted a large audience. He learned that the widow had money invested in New Zealand Stock, and, while commending its reliability, he laughed at the small percentage and told her that if she would entrust her £1000 to him he would reinvest it at 15 per cent instead of a paltry 4 per cent." After having paid interest at the rate of 15% for 6 months out her capital he absconded. *Op. cit.*, p. 128.

128. *Idem*, p. 41.

129. *Idem*, p. 159.

130. Honest gain can be only moderate; large profit involves taking a chance, and this chance is *per se* some sort of dishonesty. An instructive instance of this philosophy is to be found in Karpman, *Case Studies in the Psychopathology of Crime*, p. 687.

"Earl of Bacon,"¹³¹ marry a socially ambitious man and relieve him of a good sum; or an English confidence man may come to the United States, establish himself in society circles as "Lieutenant-Colonel Seymour Marrington of the Royal Engineers," having large estates in Kent, England, and from this point of vantage marry and plunder a rich American girl.¹³² Other swindlers offer thrilling jobs, naturally requiring cash deposits, to men or women.¹³³ Detective jobs appear to appeal strongly to many people, combining "kick" and good pay.

Desire for recognition is one of the most powerful driving forces in animals and men, and it is recognition when we succeed in converting other people.¹³⁴ Healy's definition is excellent: "The desire . . . for feeling accepted by some person or group, for recognition, as having some standing as a personality, for feeling adequate somehow or somewhere."¹³⁵ The more people look down on one, the more the desire for ego satisfaction grows, and for feeling proud of oneself or being liked by others. There is a genuine urge to acquire ego satis-

131. Ferrier, *op. cit.*, p. 108.

132. The victim told Ferrier, "I knew him as 'Lord Marrington.' I was really excited about meeting an English lord, and I was thrilled by the stories he told me of his ancient lineage and of his wealth. He dressed beautifully and conversed with much charm. He was indeed a fascinating man, and likely to turn any girl's head. We had not known each other long before I fell in love with him, and when he asked me to honor him by becoming his wife, I breathlessly consented. I was to become 'Lady Marrington!' After the marriage mother converted my share of my father's estate into cash and negotiable securities; this was done at my husband's request." *Idem*, pp. 254-255.

133. A British fraud released this advertisement: "I want a lady to make some enquiries of a very confidential nature in Edinburgh, Dublin and Paris. All fares and hotel expenses will be paid, special evening frocks provided, and the salary is twelve pounds a week." Merely as a matter of form a cash deposit of "only twenty pounds" was required. *Idem*, p. 131. Another typical ad: "Wanted: Men familiar with the handling of bloodhounds, their care, etc., to become associated with a growing Detective Agency. A small cash investment required." Of this incident MacDonald reports: "Strange as it seems, those who paid their money into this scheme were not the ones who complained; the informer was a person who had made application and had been refused because he lacked the sum to buy in." *Idem*, p. 226. The complainant was a thwarted would-be victim.

134. "To the man or woman reduced to the necessity of living by his wits, a 'client' with a hobby or a pet religion is as good as a small investment in consols." Wood, *Shades of the Prison House*, p. 116.

135. Healy and Bronner, *New Light on Delinquency and Its Treatment*, pp. 6-7.

faction or to offset disdain. The technique of the confidence man fits into this psychological notch.

MacDonald reports:

The Negro confidence men rely upon one peculiar trait of the average Negro, namely, his or her desire to be recognized. Negroes wish to be considered important and to give advice or detailed directions to some persons who apparently recognize them as having means and resources. It is amusing to see the effect when a Negro is endeavoring to show to a stranger just how important he is in the immediate life of a neighborhood. His or her vanity is without parallel and is an element considered by confidence men and used to its full extent.

The cupidity of Negroes, the ease with which they adopt any means of gaining advantage, generally dishonest, is also a considered element when a confidence man is operating. A Negro will believe almost anything, if he is convinced that he is about to gain a sum of money and the opportunity is presented with the proper amount of confidence in him and that his advice is considered important.¹³⁶

The Wanton

Our laws presuppose the leading part of the male in all unlawful sex relations. Legally speaking, rape can only be committed by the male and "any man, who, by means of temptation, deceptions, arts, flattery or a promise of marriage, seduces any unmarried female" is guilty of seduction. A male person cannot be abducted and there is no female pimp in American or European law.

Psychologists disagree with this unconditional view. "While in the majority of cases," writes Hollander, "the man is at fault, there is a certain class of women whose seduction is a literal impossibility. There may be a first offence, but a seduction never. There is a numerous class in which the woman is more than compliant, or even enacts the active rôle in the so-called seduction."¹³⁷ We thus arrive at the category of the

136. MacDonald, *op. cit.*, p. 37. It is the same with all races. "An honest person will never 'fall' for any kind of bunco. Usually it is the sudden weakening of the will of a basically dishonest person that does the trick." *Idem*, p. 11.

137. Hollander, *op. cit.*, p. 129.

wanton victim. It is a type well known in fact¹³⁸ but obscured and dimmed by the rough generalizations of our laws and social conventions. Often a sensual or wanton disposition requires other concurrent factors to become activated. Weather conditions, loneliness, alcohol, and certain critical phases are "process-accelerators" of this sort. They are closely interrelated; alcohol, for instance, eases the discomfort of the menstrual period or the menopause.¹³⁹

Leppmann in his studies on sex criminals has pointed out the relation of night work to sexual irritability.¹⁴⁰ He is thinking of the male perpetrator, but his conclusions apply to the female as well, especially if the marriage is disharmonious or both are busy on day and night shifts so that the couple no longer meets or is exhausted when united. The tired individual suffers from a partial paralysis of inhibitions. This fact explains many of the undesired results of the "share-the-car" system during the industrial boom of wartime. Regardless of legalistic distinctions, both men and women were probably victims of overexertion and that special form of spatial temptation, overcrowding.

Karpman has related the story of a "diminutive male psychopath" who was corrupted by elderly women.¹⁴¹ Regardless of whether this patient has overdrawn the passivity of his own role, it is certain that such cases are not exceptional.¹⁴²

The Lonesome and the Heartbroken

Is another grouping, that of the lonesome victim, justified? I believe it is.

138. "One of my patients was a woman of . . . very good family, for whom at least half a dozen men committed suicide. She was a prepossessing woman, so fascinating and enchanting, and with such expensive tastes, that men, to keep in her favour, committed frauds and defalcations, and when discovered were so overcome with shame and remorse that they made an end to their existence." *Idem*, p. 131.

139. See the situation and the medical findings in Winifred Duke (ed.), *Trial of Field and Gray* (Edinburgh, William Hodge & Co., 1939), p. 7.

140. *Op. cit.*, p. 25, Case 31.

141. Karpman, *op. cit.*, pp. 594, 602, 668. See the tragic story in Evalyn Walsh McLean, *Father Struck it Rich* (Boston, Little, Brown & Co.), 1936, pp. 212-214.

142. My studies ("Eigenartige Formen der Zuhalterei," *Zeitschrift für Sexualwissenschaft*, 1927, No. 4) have shown that in a large number of cases the prostitute selects a younger man as her "protector." The law starts from the assumption that the girl is pushed into her way of life by the brutal exploiter. Later inquiries have confirmed my position (see Van der Laan, "Das Zuhaltertum in Mannheim," *Monatsschrift für Kriminalpsychologie*, 1933, pp. 457 ff.).

Loneliness has three main effects. First, the desire for companionship is one of the fundamental urges of animals and men; it fades away only in old age and in some forms of insanity. To seek isolation is even regarded as a pathological symptom and viewed with suspicion. Confinement is isolation and felt deeply as suffering, sometimes so deeply that death is risked to break out and escape the intolerable sting of this segregation. Loneliness therefore creates the longing for forcing a way out of this blockade, and also creates optical illusions as far as the wished object goes. Anything is better than the solitude of a lonesome life.

The critical faculties are weakened under these circumstances: "Some women believe that all men are fine, hearty, upstanding fellows, shrewd, intelligent and dependable . . ." writes Ferrier.¹⁴³ When one of Karpman's patients was strongly attracted by a woman he would not call good-looking he justified himself as follows: "I was more attracted to her for the reason that I had not been around women for some time, as I had just gotten out of prison and almost any woman looks good to a man who has been locked up for some time."¹⁴⁴ This is probably the explanation of the reduced value of widowers in the marriage market.¹⁴⁵ In any case, the lonesome human being, just because of his bereavements, is an easy prey to the "blockade-runner."

A third factor is of a merely practical nature. The groups to which we belong are protective. We cannot disappear without being missed and investigated. No one would have missed Mrs. Crippen for herself, but she was a member of the Music Hall Ladies' Guild and, as treasurer, for obvious reasons clearly in view.¹⁴⁶

"Mass murderers" are criminals who by the inadvertence of doctors and crime-investigating agencies, and because of the

143. Ferrier, *op. cit.*, p. 118. On the dangerous bravado spirit engendered by long-suffered loneliness see Zorbaugh, *op. cit.*, p. 81.

144. Karpman, *op. cit.*, p. 21.

145. "The widower is usually disconsolate and miserable, and is considered everybody's matrimonial walk-over, as all women, dark or fair, fat or thin, appear lovely to him." Ferrier, *op. cit.*, p. 125. This observation would not apply to all countries and all widowers.

146. E. H. Smith, *op. cit.*, pp. 162 ff.

social and familial position of their victims, remain undetected for an unusually long time, and are thus enabled to continue their activities. The victims of Henri Désiré Landru are thus described: "Drab and disappointed spinsters of middle age; thrifty charwomen; lonely and childless widows; all in a stagnant backwater of life, cut off from the tide of humanity by their circumstances and situation."¹⁴⁷ Some external conditions may contribute to the success of such a criminal: times of disorganization, distracted attention, war,¹⁴⁸ or revolution.¹⁴⁹ Whether because of the isolation of their lives or the distraction of the times, no one searched for the retired prostitute among Landru's victims; for the discarded mistress of a man from Guatemala, or the widowed music hall attendant. The discovery came through a carelessly selected victim, a girl who had a sister and friends and initiative.

The victims of the mass murderer Fritz Haarmann were boys, but they, too, had been uprooted. The murderer found them in the waiting rooms of the great station of Hannover during the revolutionary postwar years of starving Germany. "For the most part they had left home surreptitiously. To their parents they had been swallowed up without trace or hope of tracing. At night, homeless and without definite objective, they lay about the station. . . ." ¹⁵⁰ Unmissed, these boys were unprotected, ideal victims of the degenerate murderer.

147. Douthwaite, *op. cit.*, p. 227.

148. "Another element that made for Landru's security was that the scene of operations was the capital of an invaded country . . . there, the units of all the armies fled for leave. Paris was filled to the fortifications with the politicians, correspondents, journalists, wire-pullers, staffs, nurses, casualties, and uniforms of every hue and nationality, civilized and the reverse. . . . The city was bombed continually by hostile aircraft; shelled daily by a large calibre high velocity gun. Hospitals were spewing their overlaid wards into the very grounds. Every moment of every twenty-four hours was preoccupied with mass production killing by the latest and most comprehensive methods. Alive or dead, what time or interest could be spared for the tracing of a few unattached, middle-aged, and generally unattractive females of the lower middleclasses . . . ?" *Idem*, p. 230.

149. The territorial changes after 1919 produced a tremendous migration of youngsters who under the strict war discipline had been retained at home. The war boom from which these boys had profited came to an end. The older men came home and replaced the youngsters in matters of work, money-making, and love-making. So they set out for new horizons without knowing where to go and some were completely aimless and penniless.

150. *Idem*, p. 251.

Hoch's long success as matrimonial swindler and murderer rested on his technique of marrying childless widows under numerous aliases;¹⁵¹ some of his victims were divorced women. No one seems to have cared about their sudden death. That prostitutes are relatively often murder victims is a well-known fact; many causes contribute to make it so. The social ostracism and lack of family support is one of them. The killing of a prostitute is less felt as a social danger than a murder attended by robbery.

It may be questionable whether prostitutes can be called a "lonesome" category. As a social group they are certainly set apart. The protective function of the pimp has often been smiled at as a mere excuse, but it is true that prostitutes live dangerously. We normal folk retire at night into our house or apartment and turn the key. We avoid the approach of complete strangers, of the intoxicated, or "characters" of any sort. We avoid dark quarters. Prostitutes are not only exposed to the vicious attacks of female competitors, but have to accept clients and take them home or elsewhere. Their time is the night.

Criminologists of some practical experience, as I have said, know that prostitutes are rather often victims of murder. Large cities produce a certain number of cases each year,¹⁵² although whether accident, suicide, or crime not infrequently remains in doubt and the full weight of police effort and publicity is not spent on such cases. Sometimes there is robbery of jewels, and if the girl is a high-class blonde, wealthy admirers, the peculiarity of their habits and the presence of letters may impede the prosecution.¹⁵³ Why a former officer in the British Air Corps, Ronald True, should murder a prostitute to rob her of £8 will always be a mystery.¹⁵⁴ The deadly campaign started by Dr. Neill Cream¹⁵⁵ and later Jack the Ripper against the prostitutes of London turned the attention of science and public to a problem which had existed before and will always exist.

151. E. H. Smith, *op. cit.*, pp. 112-127.

152. Karl Berg, "Der Sadist," *Deutsche Zeitschrift für die gesamte gerichtliche Medizin*, XVII (Berlin, 1931), 255.

153. See the cases of Dot King and Louise Lawson (New York, 1923 and 1924), *New York Murders*, ed. Ted Collins (New York, Duell, Sloan & Pearce, 1944), pp. 233-234.

154. Full report in *Trial of Ronald True*, in "Notable British Trials" series (Edinburgh, William Hodge & Co., 1928).

155. Edmund Pearson, *Murder at Smutty Nose*, pp. 135 ff.

The defenselessness of the heartbroken victim rests not in his external situation but in a peculiarly disarming state of mind. The old technique of hypnosis requires some sort of fixation, optic or auditory. If attention is focused on one point suggestions can be injected that may fill out the whole of his consciousness. The death of a beloved person or a person with whom one has been living for a long time comes like a deafening and stunning shock. Hence the wide field of death rackets.

"The sharper," we read,

regards bereaved persons as perfect "suckers." Heartbroken mourners have all the qualifications of the ideal "mooch." In the first place they are easily accessible. The racketeer has only to copy their names and addresses from the obituary columns. By employing a clipping bureau, he can stalk his game on a nationwide basis. Secondly, they are gullible. They are too dazed with grief to have their wits about them. Simply mention the name of the deceased and the widow will sign anything that's placed before her. Thirdly, there's a perfect, ready-made "out": dead men tell no tales.¹⁵⁶

These "hearse-chasers" call on the widows as representative of "historical societies," ask for pictures of the departed for his biography and charge from \$100 to \$1,000.¹⁵⁷ Undertakers exploit the same opportunity, as do sellers of memorial stones and so forth.¹⁵⁸ Most of these rackets operate within the law;¹⁵⁹ nearly all of them, however, could be successfully prosecuted on the ground of fraud or false pretenses.

The Tormentor

To the list of victims should be added the tormentor type, to be met in family tragedies. The alcoholic or psychotic father tortures wife and children for years; finally the son, grown up, maybe under grave provocation by the old man, kills him. In

156. Ellison and Brock, *The Run for Your Money*, p. 147.

157. *Idem*, p. 149.

158. *Idem*, pp. 158-159.

159. For instance, the "Bible racket." See MacDonald, *op. cit.*, p. 251-252. The bereavement effect is cleverly rehearsed in the "deceased mother racket." *Idem*, p. 215.

Babbitt Sinclair Lewis has depicted the figure of a tormenting wife who in a moment of excitement and self-humiliation admits her wickedness and threatens to kill herself.¹⁶⁰ But she goes on deviling and he shoots her. She represents the type of person who seems to want to destroy herself, whether directly, by suicide, or indirectly, by forcing the hand of some other desperate person. "Life was a plot against her," says Lewis, "and she exposed it furiously."¹⁶¹ She does the same with the men around her. It is a different case with delusional enemies and persecutors. Anyone may by chance become the victim of a sufferer from paranoia or dementia paranoides.

The writer has elsewhere described three tormentor cases.¹⁶² In such family tragedies the same traits clash between two generations: hot temper, quarrelsomeness, intolerance to alcohol. The murderous act is just an acute phase of a chronically tense situation. The crisis comes when the relations of physical strength have changed between the aging father and the growing son.

Sometimes in the case of murder between twins the question arises as to whether the two were identical. If it can be answered in the affirmative it must be conceded that the killer and the victim bore physically and mentally the closest resemblance and were doer and sufferer, respectively, by mere chance. In a case reported by Lange "the record of the twin who was killed was apparently clean. But he was constantly threatening his twin, his other brothers and sisters, even his mother, with a knife, and like the survivor, was a thorough nuisance."¹⁶³

Not a few "tormentors" are wives. Instances are the poisoned Mrs. Armstrong, a mitigating circumstance personified,¹⁶⁴ Mrs. Crippen,¹⁶⁵ Mrs. Buchanan,¹⁶⁶ and many others.

160. *Babbitt*, chap. X, p. 136: "I've been a bad woman! I'm terribly sorry! I'll kill myself! I'll do anything! . . ."

161. *Idem*, p. 132.

162. Von Hentig, "Drei Vatermord-Fälle," *Monatsschrift für Kriminalpsychologie*, 1930, pp. 613-618.

163. Lange, *Crime and Destiny*, p. 47. "Both brothers were feeble-minded, the survivor slightly more so than the victim; both were hard-of-hearing and short-sighted."

164. See Young, *Trial of Herbert Rowse Armstrong*.

165. E. H. Smith, *op. cit.*, pp. 160-161.

166. *Idem*, p. 53.

Blocked, Exempted, and Fighting Victims

It would not be hard to distinguish other categories: the gambling type,¹⁶⁷ the seductible,¹⁶⁸ and the competitive category of victims.¹⁶⁹ Since a classification to serve its pedagogical purpose must not be too broad, we will limit ourselves to one final type. One may call him the blocked victim, by which is meant an individual who has been so enmeshed in a losing situation that defensive moves have become impossible or more injurious than the injury at criminal hands. Such is the case of the defaulting banker, swindled in the hope of saving himself. It is a self-imposed helplessness and an ideal condition from the point of view of the criminal.

The strategy of blackmail rests solidly on the foundation of a defenseless victim. The "badgergame"¹⁷⁰ is the prototype of this eternally successful procedure, and we would be wrong in assuming that the husband is always a phoney. The sums the police extort from criminals are enormous; millions of dollars are extorted by the criminal from the fence and by cashiers from bank presidents. Crime in countless cases brings one risk:

167. "The artistic card-sharper is clever and plays a straight game until he senses the right opportunity for setting and then springing his trap. There have always been dupes, they exist in hundreds of thousands to-day, and the world continues to turn them out in mass production." Ferrier, *op. cit.*, p. 28. It need not be stressed that gambling can be done without cards in any suitable situation.

168. A reciprocally stimulating quality in criminal and victim alike, to some degree. "Susceptibility to suggestion is one of the most common factors of misconduct." Hollander, *op. cit.*, p. 40. Not only does the possession or view of a weapon act as if by suggestion (see *idem*, p. 80), but a good victim acts as a suggestion on a perpetrator, and an inventive criminal maneuvers a suggestible victim into any trap.

169. "Father's business life," wrote one of Karpman's patients, "seemed to be a constant battle with his competitors. . . he was often involved financially, principally because he trusted everybody [he was an immigrant]. . . About 1910 he became the victim of the 'cut-throat' methods of a few large competitors who wanted to force the smaller firms out of business, and who would stop at nothing to accomplish this end. They cut prices, damaged stock, and even resorted to stealing. Father had several expensive rugs stolen from his place. The result of such methods was that he was forced to the wall." Karpman, *op. cit.*, p. 747.

170. See Sutherland, *Professional Thief*, p. 81; Karpman, *op. cit.*, pp. 690-691; Ferrier, *op. cit.*, p. 171. It is played on women, too, and the menace is especially serious if there is an elderly husband of jealous disposition. Photographs taken in compromising postures are used increasingly. Ferrier, *op. cit.*, p. 172; Karpman, *op. cit.*, p. 689.

it has to pay to someone, in money or information. The fix is the penalty of failure. The criminal in paying feels deeply his imperfection and his victim quality. The result of jumping the bond is financially in the same line.

A man who is irreproachable and unapproachable and who cannot be reached through friends, employers, and so forth may be otherwise blackmailed into silence on being victimized. "His private life will be looked over for some weakness whereby he can be handled."¹⁷¹

One of the most lucrative rackets is called the "muzzle." Details are given by Sutherland's professional thief. The victims are homosexuals. "Arrests are so rare that when one does occur it is a matter of much discussion among thieves . . . The muzzle is one of the few rackets in which a go back (second attempt) can be successfully staged."¹⁷² We may add that "muzzle" has little to do with "mouse," as stated in the glossary of the professional thief.¹⁷³ The muzzle is on the victim.

It is relatively safe to commit a robbery under circumstances which do not allow the victim to report the affair. This may be a situation of unlawful intimacy,¹⁷⁴ or just a prisoner who is held up by a fellow prisoner and cannot complain because he was illegally in possession of money.¹⁷⁵

The vast field of fraud, that form of crime in which the greatest sums are turned over and passed on to criminal elements in our midst, is the habitat of the blocked or "frozen" victim. Two requirements have to be realized: the sucker must have sufficient money and the willingness to use dishonest methods to make more money.¹⁷⁶ This fundamental trait protects the criminal against the victim himself. A former district attorney of

171. Sutherland, *op. cit.*, p. 104.

172. *Idem*, pp. 78-79.

173. *Idem*, p. 240.

174. "I too would walk out of the park linked arm in arm with some rich and crapulous burgher, take him to a quiet spot, and knock him down and take his wallet . . . And I was supported by a feeling of moral justification. These old men seemed placed by their practices beyond the pale of moral justification." Benney, *op. cit.*, p. 259.

175. "In the quarry one day while the inmates were at work one man approached another with a drawn knife. . . . He approached a man who carried money and, at the point of the knife, forced him behind a large rock and robbed him. The man who was robbed could not tell officials because he was not supposed to have the several dollars which were taken from his person." Clemmer, *op. cit.*, p. 159.

176. Sutherland, *op. cit.*, p. 57.

great experience thus summarizes his findings: "The grafters count, and rightly, that a very large proportion of the men whom they trim cannot afford to let it be known that they have been so gullible as to be victimized by confidence men. Bankers, business men, lawyers, doctors, and preachers much prefer to swallow their pride than make complaints. . . ." ¹⁷⁷ British victims seem to be slightly different, as far as professional men go. A British criminal has given an interesting description of them. ¹⁷⁸ There is, however, general consensus, that businessmen are excellent victims in all respects. ¹⁷⁹ James Spenser reports the story of an American businessman who, squeezed between the alternatives of painful silence and detrimental publicity at home, chose to let the crooks win. ¹⁸⁰

177. Van Cise, *Fighting the Underworld*, p. 330.

178. "The victims are chosen with a keen psychological eye. Simple souls who are satisfied with the money they have, and don't wish to make more, are no use at all. Neither are clergymen. In the first place clergymen don't usually have much money, and in the second place they are so used to hearing lies from would-be spongers that they are suspicious of everything except plain matter of fact. Then again, clergymen and other simple souls, like college professors, authors, actors, and so on, are difficult to hold down when they become conscious that they have been tricked. They complain to the police about it, and they don't seem to mind when the newspapers report the facts, including an account of their own foolishness and gullibility. That doesn't suit the confidence man at all, for the crux of all his schemes is that it shall be difficult for the victim to kick up a shindy." Spenser, *op. cit.*, pp. 238-239.

179. "As a matter of fact, and strange as it seems, the best meat for the confidence man's teeth is the hard-boiled business man. The business man is just as easy to deceive as anybody else, and there are two things about him that make him the best choice. In the first place he is glad of a chance—or what looks like a chance—to make money, and in the second place he hates to be shown up as a fool in money matters. When he finds himself caught in a trap, and when he realizes that the only way out will entail publicity that will make him a laughing-stock amongst his friends and acquaintances, he usually decides to call the loss a bad debt and discreetly forget about it. At a guess I should say that out of ten 'goldbricks' sold to business men, only one gets reported in the papers." *Idem*, p. 239.

180. *Idem*, pp. 240-248; see also Sutherland, *op. cit.*, p. 70. In American buncos, writes MacDonald, "the operators require for a sucker a prominent person who lives at a distant place, relying on his shame and his dislike of publicity. They may threaten to expose the victim to his business associates, courting possible ruin for him. If the sucker shows fight and actually is able to make an identification and an arrest seems imminent, a representative may call on him and endeavor to compromise on a third or a half of the amount he has lost. The victim, still fearing exposure, may accept that amount rather than suffer public disgrace. Some victims have solved this matter by suicide; others have gone mad. The occasion of such extreme despair is the fact that the victims have embezzled sums in order to win the sure money offered by the buncos." *Crime Is a Business*, pp. 69-70.

The collusion between perpetrator and victim is a fundamental fact of criminology. Of course there is no understanding or conscious participation, but there is interaction and an interchange of causative elements. The reverse, of course, happens every day. When situations and human beings by chance repel each other, criminal results do not come about.

Criminology cannot detach itself from the roughly hewn categories of law. The law considers certain results and the final moves which lead to them. Here it makes a clear-cut distinction between the one who does and the one who suffers. Looking into the genesis of the situation, in a considerable number of cases we meet a victim who consents tacitly, coöperates, conspires, or provokes.¹⁸¹ The victim is one of the causative elements, and we would do well to pay more attention to him in judging the criminal and his action and in suggesting perfected methods of punishment, reform, and prevention.

Some classes of victims are "disqualified"—in their favor, of course—at least as far as the sphere of property crime goes. In contrast to other rackets American pickpockets—"cannons"—do not distinguish between rich and poor. They make other distinctions, however, according to Sutherland's professional thief:¹⁸²

Catholic cannons will rarely beat¹⁸³ a Catholic priest. Jewish cannons will beat a Jewish rabbi whenever possible, as well as Catholic priests and Protestant ministers. Also Catholic cannons will beat rabbis and Protestant ministers. There is a generally accepted rule among cannons not to beat cripples. It is believed that this rule is due to a feeling that the cripples are less capable of getting money, and also there is a certain amount of superstition involved in it. Cannons generally do not beat coppers, for it would heat the coppers up against cannons, causing hardship on all cannons.

The wealthy victim is robbed without hesitation; inhibitions are overthrown by rationalizations like this in the case of a well-known great store: "The cheap bastards are paying girls only

181. There are even such species as the reluctant or beneficent evildoer, the gainful victim and the lustful loser.

182. *Op. cit.*, p. 175.

183. Slang term for steal; it does not of course imply physical violence.

\$8 a week to be on their feet all day, and they ought to be beat." ¹⁸⁴ The thief adds, "This is not just an excuse, but is actually the way the thief feels about it. He would probably pick out the bigger stores to beat even if they paid the girls \$100 a week, but it eases his conscience a little to have this justification." ¹⁸⁵

The big stores are unlikely to raise the wages of their sales-girls in order to reduce larcenies and thus make a profit. An experiment—failure or partial success, perhaps—would be a contribution to our knowledge of whether or not some victims of the social scene have been thus easing the criminal's conscience.

When violence is used victims often fight back, with the result that no murder, rape, or robbery is committed but only the attempt. The uninjured victim, especially in rape cases, is not inclined to report the crime. Wounded victims, helped by a robust constitution, may recuperate from serious injuries and bestow on the undeserving aggressor the qualification of a lesser offense.

Investigating the failure of 68 cases of attempted lynching in the state of Iowa, Black found these four reasons: ¹⁸⁶

1. Resistance of jail and guards
2. Escape of the victim
3. Dispersed by outside persuasion
4. Resistance of the intended victim

In a confidence game the physical resistance is replaced by moral objections. If these inhibitions are not weakened there is no victim who can be trimmed. One confidence man has written: "A confidence game will fail absolutely unless the sucker has got larceny in his soul. One of the first questions asked of a prospective sucker after the buildup is developed is, 'Have you larceny in your soul?' This question is asked outright and a 'yes' or 'no' answer is necessary. If he answers 'no' and the mob believes he is telling the truth, he is dropped immediately." ¹⁸⁷

Criminals maintain that "earnest and aggressive" victims

184. *Idem*, pp. 175-176.

185. *Idem*, p. 176.

186. P. W. Black, *Some Sociological Aspects of Lynching in Iowa*, M. A. Dissertation (Iowa City, 1911), p. 11.

187. Sutherland, *op. cit.*, p. 69.

are so rare "that although they are the subject of much discussion among thieves they do not have any effect on stopping thieves from grifting."¹⁸⁸ Victims who might fight can be disarmed by alcohol and knock-out drops.¹⁸⁹

Resistance, however, may not rescue but aggravate the situation. Youthful robbers are known often to be highly nervous and trigger-loose at a hold-up. They do not mean to use the gun, yet guns have the sinister virtue of calling for discharge; it is probably the nervous tension of the stick-up boy that cries for release. In addition they are terribly afraid of being caught or being hurt by the victim. A half-hearted attempt at fight which does not disarm and overwhelm the aggressor—mere threats, for instance—is likely to increase crime statistics by a homicide instead of by an aggravated robbery.

Resistance is a serious problem in sex crimes. It activates the morbid impulses of some perpetrators; a new and powerful stimulus is added. Fear joins the roused sex instinct. Fight under these circumstances is likely to produce a summation of hazards, and we know by experience that it has often done so.

6. *The Activating Sufferer—Some Broader Aspects*

Most crimes are directed against a specific individual, his life or property, his sexual self-determination. For practical reasons the final open manifestation of human motor force which precedes a socially undesirable result is designated as the criminal act, and the actor as the responsible criminal. The various degrees and levels of stimulation or response, the intricate play of interacting forces, is scarcely taken into consideration in our legal distinctions, which must be simple and workable. Juries, it is true, and pardon or parole agencies are often aware of the hidden psychological complications.¹⁹⁰ International law, too, having grown wise by experience, speaks of unprovoked ag-

188. *Idem*, p. 106. Since one way of stopping complaint by a victim of the law-abiding type, as I have noted, is to look over his private life for some weakness (*idem*, p. 104) it is possible that the cause of the rarity of these fighting victims must be sought in this sphere.

189. The practice started in the late sixties in New York. Simple snuff, laudanum, morphine, and hydrate of chloral were used. For ample details see Asbury, *The Gangs of New York*, pp. 198-201.

190. See the chapters on "The Worthlessness of the Victim" and "Only Technically Guilty" in von Hentig, "Ten Years of Executive Clemency in the State of Colorado, 1943" (Vol. II in "Colorado Crime Survey"), pp. 489-496, 511-514. (Unpublished.)

gression and disregards the mere mechanical aspect of the offensive.

The muscular point of action is visible and demonstrable, while the emotional and volitional conjunctions are obscure and perplexing. How little we know of these entanglements is shown by the fact that some rapports are explained, or rather obscured, by such terms as magnetism, spell, or charm. We revert to the long-past magic phase of mankind in trying to interpret the mysterious forces which attract and repel human beings. The word "fascination," for instance, stresses the faculty— ascribed to serpents and sorcerers—of depriving a victim of his power to escape or resistance by look or contact. It cannot be denied that a good many men respond to the presence of certain types of fellow creature immediately and unconditionally. What physiological mechanisms are involved in such cases we do not know; we meet them again in the peculiar reactions of crowds and mobs. However, these face-to-face relationships are only one part of the phenomenon. There are numerous offenses against the government.¹⁹¹ These include treason, bribery,¹⁹² extortion and oppression,¹⁹³ embracery,¹⁹⁴ and perjury.¹⁹⁵ They

(Unpublished.) That the victim not infrequently requests that the perpetrator be pardoned—even in cases of rape—is another perplexity.

191. In addition to those against public tranquillity, health, and economy.

192. "Offering, soliciting, granting, or accepting of any undue reward as a consideration for the discharge of any public function." Sears and Weihofen, *op. cit.*, p. 101. The main case is "offering and paying a voter." On this practice see Lynch, "*Boss*" *Tweed*, p. 43, and Frank Tannenbaum, *Crime and the Community* (Boston, Ginn & Co., 1938), p. 130. There are too many methods of near-bribery to be enumerated. It is illegal to bribe voters; it is legal—for instance—to appoint them shortly before election for some errand or minor purpose.

193. Extortion: "Illegal demanding and taking of property, under color of office, by a person clothed by the law with official duties and privileges." Sears and Weihofen, *op. cit.*, p. 104. I quote a bill of particulars seen by Salter after the manslaughter trial of a truck driver had ended in a discharge by the

Detective Craig	\$10.00
Tinke and Company (2 motorcycle policemen)	20.00
Tim C., a Deputy coroner—investigator told the coroner the death was accidental, etc.	15.00
Ditto later	5.00
Ditto later, another	5.00
Irish Sergeant at Forty-Third and Tuppen Streets (He was nice to us—gave us the records. Told us who we could fix, etc.)	5.00
In addition I paid \$135 toward the funeral ex- penses of the dead man	135.00

do not appear with large figures in our criminal statistics, but the very fact that countless crimes of this sort are stopped somewhere in the course of criminal prosecution gives them unusual significance. They are submerged in the vast amount of half-legal corruption, so-called "honest graft," whose unlawful character fluctuates in legislation and legal opinions. New techniques for evading the definitions of the law are incessantly plotted.

In all these cases the victim is an abstraction: the state, its stability, the impartial administration of justice, and the plain dealing of the democratic processes. Yet this very state acts through the medium of administrators and judicial officers. If the human beings who manage the social controls are corrupt, the perpetrator of crimes against the government remains an individual, while the victim is represented by the common weal or however we may call it. The assailed community, however, is split into the great mass of real victims and a smaller section of ruthless exploiters. The fact of having lifted these forces to power and maintained them there is largely the responsibility of the victimized in a democratic society. This form of crime, in which the group must be held responsible for being victimized by the modern type of robber baron and his henchmen, rests ultimately on the appearance of a new high-reaching type of criminal whose disguise is no longer a false beard or dark glasses but wealth, political power, the incarnation of the popular success ideal. This high-seated underworld character obtains money, might, and immunity—for some time at least—by exercising control over processes of popular election, law enforcement, and public opinion.

Parties, indispensable to the life of democracies, have been

Salter, *Boss Rule*, p. 170. Oppression is abuse of authority by a public officer from an improper motive other than extortion.

194. "Attempt, by wrongful means, to induce a juror to give a partial verdict." Sears and Weihofen, *op. cit.*, p. 111. The bribery case of Clarence Darrow in which he was acquitted is famous. See Charles Yale Harrison, *Clarence Darrow* (London, Jonathan Cape; New York, Harrison Smith, 1931), pp. 167 ff.

195. This is "wilful false oath." Procuring of perjured testimony is called subornation. Some of the other methods of tampering with evidence are covered by the rules of contempt of court; for instance, preventing the attendance of a witness. On forcing the victim not to appear in court see Sutherland, *op. cit.*, pp. 90 ff. On failing to identify see *idem*, p. 94; on destroying photographs of professional criminals, see William H. Allen, *Al Smith's Tammany Hall* (New York, Institute for Public Service, 1928), p. 111.

compared to armies, albeit this picture holds good only as far as structure, not function, goes. "There is one great central boss, assisted by some trusted men and able lieutenants; these communicate with the different district bosses, whom they alternately bully and assist. The district boss in turn has a number of half subordinates, half allies, under him; and these latter choose the captains of the election districts, and so forth, and come into contact with the common heelers."¹⁹⁶

This over-all picture has been rendered more intricate by population trends which are peculiar to the United States. Urbanization has progressed steadily. An endless stream of rural masses enters the large cities. To these newcomers are added millions of immigrants. Both groups—not only the bewildered foreigners as Orth has it¹⁹⁷—are easily caught and easily led. They are lonely, uprooted, friendless. Their main capital is their voting power. The precinct leader assists them in many ways; the immigrants, of course, in their very naturalization. The vote is their reward. When the leader gets an ignorant foreigner through a test in which he has failed many times,¹⁹⁸ it is still not quite correct but much better than the rough fraudulent methods of former times.¹⁹⁹ Crime enters into the operation of a great political machine in three ways, although it is to a large extent unpunished crime.²⁰⁰ In the first place, strong-arm methods are needed in attack and defense.²⁰¹ Many criminal gangs relax on a higher level by going into

196. Theodore Roosevelt, *Essays on Practical Politics* (New York, G. P. Putnam's Sons, 1888), p. 59.

197. Samuel P. Orth, *The Boss and the Machine* (New Haven, Yale University Press, 1919), p. 61.

198. See the case in Salter, *op. cit.*, p. 97.

199. "... tens of thousands of voters who thought they were citizens found that their papers were only declarations of intentions, or 'First papers.' Other tens of thousands had lost even these papers and could not designate the courts that had issued them; and other thousands found that the courts that had naturalized them were without jurisdiction in the matter." Orth, *op. cit.*, pp. 61-62.

200. Like the speeding car which drives 70 miles an hour although the speedometer is out of order and exhibits no movement at all.

201. A primary election of April, 1924, in Chicago and Cook County, Ill., is described thus: "Automobiles filled with gunmen paraded the streets, slugging and kidnapping election workers. Polling places were raided by armed thugs and ballots taken at the point of the gun from the hands of voters waiting to drop them into the box. Voters and workers were kidnapped, brought to Chicago [from Cicero] and held prisoners until the polls closed." Landesco, quoted by Tannenbaum, *op. cit.*, p. 131.

service in a political campaign. Theodore Roosevelt has told how one gang, being treated shabbily by a district leader, secured a victory at the next election for the opposite party which had never before polled 10% of the vote.²⁰² "Persuasion" and intimidation still play a role.

When the machine has won it tries to seize the commanding positions of social control. Coroner, district attorney, and judges are elected, but police chiefs, assistant prosecutors, court clerks, etc., are appointed: the single detective is often more important than the commissioner of police, the deputy coroner than the coroner, the clerk than the judge. Two vital results are obtained: a relative immunity from the menace of the law and the opportunity to sell exemptions from the restriction of rules and regulations. Since police and prosecutor have to enforce the law, their nonenforcing power comes to have a highly prized commercial value in all cases in which legislation curtails or prohibits specific patterns of business, as in liquor, drugs, gambling, and prostitution.

As soon as the trenches of the enemy are taken by vote and as soon as the won positions are consolidated by occupying or "contacting" the means of social control, the exploiting phase of the conquest begins. The large cities have evolved into gigantic economic units. Collective ownership cannot be checked upon as can cattle or a piece of jewelry. Possessions are guarded by the individual owner; when they become anonymous common guardians have to be elected and appointed to represent the community. Large cities can be best and most safely plundered by their administrators. By the very authority vested in them, and by the yields of their dishonesty, the managers of these tremendous economic agglomerations can purchase, first immunity and strength, then "persuasion" at the next polls.

Wherever this situation develops the prime cause is the failure of the collective victim, the community, to carry the day at the decisive moment of elections. It is as if the masses only periodically recover their senses and become aware of being victimized. In a violent emotional outburst, led sometimes by reformers and benefactors with something personal to gain, they

202. Roosevelt, *op. cit.*, p. 68. "It was a tough district, and usually the Republican booths were broken up and their ballot-distributors driven off early in the day; but on this occasion, to the speechless astonishment of everybody, things went just the other way."

assert the fundamental strength and universal economic advantage of higher standards. The service traded by the bosses for votes²⁰³ may in some cases appeal to the individual, be a beneficial human experience, extricate him from deserved or undeserved trouble. The division boss has been called "a buffer between the voter and the law."²⁰⁴ The law which reflects the common interest may be badly in need of correctives; if this is so all should profit from them. Buffers between a specific group of voters and the law are patterns of injustice in the shape of human helpfulness.²⁰⁵ There must be reasons for the fact that periods of passivity and unwatchful waiting alternate with reform waves. Theodore Roosevelt has pointed out the wear and tear of the life of the city man and the interference of political life with business or pleasure.²⁰⁶ People with a happy domestic life are not likely to spend their evenings in smoke-filled clubs. "Intellectual men often shrink from the raw coarseness and the eager struggle of political life."²⁰⁷ "Many cultured men neglect their political duties simply because they are too delicate to have the element of 'strike back' in their natures."²⁰⁸

The opponents of course need not be asked or encouraged to strike back. The operation of the political machine to them is excitement, recognition, pleasure, and business at the same

203. "Votes don't just happen; they are given in return for service." "I work 365 days a year for him, he works one day for me—that's all I ask." Quoted by Salter, *op. cit.*, pp. 62, 52.

204. See a good description of these activities in *idem*, pp. 163-170. That this method is a cunning device and not a social function may be seen from instances when the boss helps to put people in jail or refuses to intervene when votes cannot be acquired (*idem*, p. 83). When husband and wife quarrel, one voter might be won, the other lost by interference. The result would be zero. Bosses therefore prefer not to be mixed up in domestic quarrels.

205. That "the bosses often give the people more of the things they want than do the reform administrations" may be partly true. William F. Ogburn and Meyer F. Nimkoff, *Sociology* (Boston, Houghton Mifflin Company, 1940), p. 634. But do people always want the right thing? Can social control abdicate because human want cries for redress? The dilemma has been voiced by Salter: "If Nick [the division leader] has a flair for lawbreaking, then so do the effective majority in his district. At least they are interested in having their bellies full, and a roof over their heads, and they care little about the source of the money. The reformers and independents that talk of law and the constitution and the city charter are not effectively appealing to these people." *Op. cit.*, p. 175.

206. "... it will pay him better to attend purely to making money." Roosevelt, *op. cit.*, p. 53.

207. *Ibid.*

208. *Idem*, p. 54.

time; to them the noisy club habitués are congenial society, here they drink, gamble, gossip. Neither they nor their bosses discuss the rights of society. They give and take.²⁰⁹ Uncertain whether the great political issues, the platforms and programs, will do them any good, they are satisfied with the miniature world around them and its meager but certain and immediate yields. They do not believe that impartial and incorruptible justice is more important than the division leader's friendship with a magistrate. They are not interested in global politics but as small scale "realists" in playing the game and acknowledging the cosmic system within four grimy blocks.

How then does it come about that this torpid status quo is periodically shaken to its foundations? How does this great and complacent victim suddenly become fraud-conscious, angry, and fearless? This revulsion of public opinion is a most remarkable phenomenon and deserves much more study. Some elements in the revival are regularly found. One component of the civic upheaval seems to be the extreme of exploitation and minimum of discretion at which bosses and machines always ultimately arrive. With increasing depredations there is, moreover, a disintegration of the inner circle of plunderers, and finally—perhaps the most dynamic element—a psychological need arises on the part of the masses to change from submission and service to revolt and condemnation. This malady of both the boss and the bossed, the admirer and the admired, coincides in a strange way with the weakening of the machine and the enfeeblement of its powers to "serve." All of a sudden the victim crushes the criminal spongers, thereby proving that they came into existence and continued so only by its own failing in responsibility.

Omitting the more complicated relations of doers and sufferers²¹⁰ we may turn briefly to a juncture which is more fre-

209. When, shortly before his overturn, Boss Tweed's daughter was married, "the wedding presents, displayed in a grand show-room . . . represented in cash seven hundred thousand dollars" Lynch, *op. cit.*, p. 359. Later evidence showed that "ten old stables, rented by The Ring for a pittance, had been sublet to the county as armories at an annual rental of \$85,000, and that, although they had never been used by troops, the county had paid out \$436,064 for alleged repairs." *Idem*, p. 362. "Thermometers for the Court House were charged at \$7,500." *Idem*, p. 365.

210. Some slang terms reflect this warp and woof of causations. The word *mézière* means in French "simple-minded," a "cull" or "flat." "The word," says Michel, "derives its origin from the confidence-trick swindle when one of the

quent than we think: the circumstance in which a victim is transformed into perpetrator. We are well acquainted with the shock effects of accidents and sudden painful experiences. It happens quite often that a criminal attack has the same detrimental consequence; many victimized individuals and groups appear to be morally shaken and weakened. We are justified in considering loss and injury suffered through a criminal act as a condition of subsequent criminal behavior. Suffering does not make better but worse.

The issue of brutalizing and debasing iniquity is everywhere met: in the life of nations, in the behavior of majorities,²¹¹ institutional units, family groups, and in the natural history of crime. It is true that there are other factors which operate as activators on the side of the victim—certain predispositions,²¹² an already shaky balance of drives and antidrives; old age, degenerative processes accelerated by drink, insufficient food, climatic noxae, loss of self-confidence, or that strange and serious form of personal disintegration which has been called "shelterization."²¹³ This is a method of welfare which keeps the body alive but struggles in vain with the all-important moral problem.²¹⁴ The shelter men drink heavily. Many have been drinking before, others drown the painful feelings of failure in alcohol. There is no safer or cheaper way to dispell their agonies. Without giving hope, drinking is the true relief from

confederates who acts the part of a foreigner and who pretends to speak bad French, addresses the pigeon as 'mézière' instead of Monsieur." Barrère, *Argot and Slang*, p. 258.

211. A certain portion of the high crime rate of violence noticeable in the colored race must be attributed to the discriminating pressure exerted on the group.

212. As for instance paranoid traits, ably described by Dr. Angus MacNiven in P. H. Winfield, ed. *Mental Abnormality and Crime* (London, 1944), p. 27. It is quite true that painful experience only precipitates, but from the point of view of social prevention mere precipitation is on a par with the strongest direct cause if withholding it would thwart the psychotic development, leaving formal behavior undisturbed.

213. A description of the "shelter-crazy" man may be found in Edwin H. Sutherland and Harvey J. Locke, *Twenty Thousand Homeless Men* (Philadelphia, J. B. Lippincott Company, 1936), p. 154.

214. See *idem*, p. 606. "The atmosphere of the shelters is pregnant with distrust, suspicion, discouragement, apathy, hopelessness and other feelings." *Idem*, p. 156. The shelter men gradually become "relief-wise," another degenerative involution. "Deception is the best method of getting along with the least trouble. It does not pay to be honest in the relief racket." *Idem*, p. 157.

the sting of hopelessness. These shelter men are often jack-rolled, but some of them become jack-rollers.²¹⁵ From being a victim, a bruised and robbed man, they advance to the status of bruiser and a robber. Being preyed upon is a suggestive experience which leads the pupil to the practice of preying. Suffering does not deter but calls forth an imitative venture.

Even the state should keep in mind that gross injustice breeds revengefulness and possibly crime. The iniquity need not be inflicted with malice aforethought. I have met in European prisons people completely ruined by a total inflation, who in a moral collapse had become dishonest. That John Dillinger became Public Enemy No. 1 was partly the fault of an incompetent parole board. He had committed a robbery under the influence of an older accomplice. This was his first crime and he was only 19 years of age. The older confederate was released after two years, Dillinger not until he had served eight—only two years before the expiration of his maximum sentence. We are told that up to that time he did not show any sign of strong criminal propensities.²¹⁶ He became unmanageable out of violent resentment and the feeling of having been treated unjustly.²¹⁷ To a considerable extent the state, later victim of Public Enemy No. 1, contributed to the evolution of his dangerousness. We should pay more heed to vicious circles and entanglements of this sort. Shooting criminals are the counterpart of shooting policemen, brutal fathers brutalize their offspring, hanging prosecutors are murdered in the internecine warfare of the machine-supporting underworld.²¹⁸ Most crimi-

215. "Intimate conversations with drinkers reveal that many of them have been jack-rolled, and that some of them have been jack-rollers. 'Nowadays, they will jack-roll you for a nickel. I've rolled some fellows, and then when I got drunk, I've been rolled.'" Sutherland and Locke, *op. cit.*, p. 120.

216. "The record before the board of parole showed that after he had served eight years a petition was sent to the governor of Indiana, signed by some of the leading people in the community in which Dillinger lived, asking executive clemency. Included among the signers were the judge who sentenced the boy, the prosecutor who tried him, the man he robbed, Dillinger's relatives and many prominent citizens. It was pointed out that he was a first offender, that prior to his one robbery he had led a faultless life, and that he had committed this crime under the influence of an older accomplice. His prison record had been excellent, and a job awaited him on the outside." Wilbur LaRoe, Jr., *Parole with Honor* (Princeton, Princeton University Press, 1939), p. 175.

217. One of the cases of inequality in sentences or release methods. See von Hentig, "Ten Years of Executive Clemency," pp. 518-542.

218. I refer to the case of assistant state's attorney William McSwiggin, shot in a tough Chicago suburb with two other men in April, 1926. Raymond Moley,

nals as far as we can observe them in prisons complain that they are victims of injustice and discrimination;²¹⁰ yet there are a good many cases in which criminal behavior is indubitably the more or less rational response to patterns of social pressure, sanctioned by organized society but nevertheless unnecessary and ineffective, although they may bring momentary relief to our emotional tension. We do not only believe but do things "quia absurdum est"; we are self-indulgent, self-perpetuating victims.

Thus the institutionalized mechanisms of social control may operate so inexpertly that instead of being redeemed or at least left unchanged the individuals under treatment become ungovernable. The third degree of the police is the prototype of a mode of dealing with delinquents which will do more harm to the community in the long run than it does good by accelerating the criminal investigation. In not providing honest, intelligent,²²⁰ well-trained, and well-paid prison officers the state lowers the level of the inmate, is penny-wise and pound-foolish. Here again we are crime-provocative victims of our own carelessness, roused from our slumber during the short period of crime waves, relapsing into torpidity as soon as other dangers seize hold of our concern. Few prisons are abodes of reform. "For want of other forms of satisfaction," I wrote a few years ago, "the guard turns to dominance. The most unfeeling and ruthless types among the prisoners follow this example. Thus it happens that the big shots rule the prison with an iron fist. They imitate the agents of society by their domineering tyranny, their kangaroo courts,²²¹ their beatings, and their executions. The brutish prison tsar is the caricature of our punitive emphasis and our reformatory failure."²²²

Politics and Criminal Prosecution (New York, Minton, Balch & Co., 1929), p. 3. Moley mentions that the man had won the title of "hanging prosecutor." His two fellow victims were underworld characters, the assistant state's attorney himself the son of a police official in his home town. *Ibid.*

219. In explaining the French criminal slang term "Jesus" for an innocent man Barrère comments, "Thieves considering themselves as much injured individuals." *Op. cit.*, p. 217.

220. Karl Murchison has pointed out a certain prison in the United States where inmates averaged 100 per cent higher in the Alpha test than did their guards. "American White Criminal Intelligence," *Journal of Criminal Law and Criminology* (1924), pp. 239 ff.

221. This is the lesson of third-degree experiences in private application.

222. Von Hentig, "The Limits of Penal Treatment," *American Journal of Criminal Law and Criminology*, Nov.-Dec., 1941, p. 408.

The state is supposed to incarnate the common weal and "can do no wrong." Yet the idea is just a useful, perhaps necessary, fiction, in the case of the state as with the King of England. Our institutions, though admittedly not perfect, are believed to be as efficient as possible; yet there have been periods in which the burning of witches and the use of torture were among the most blessed institutions of civilized nations. Historical as well as personal experience tells us, however, that some of the mechanisms of social control fail to produce a result which, in technological problems, would be called satisfactory and rational. There are apparently some measures or attitudes of social defense which increase the extent of danger rather than diminish it. By the way the state or its representatives, or we the general public, or the community, respond to a violation of our collective interests we seem to expose them to greater peril. The ex-convict without exception is met with suspicion, regardless of the merits of his case. When his term has expired or he is released on parole he starts on a new, this time a life-long, term of indefinite, punishing handicaps, an overwhelming task to which his weakened moral and physical forces are very often not equal.

Many of our parole conditions require regression to a sort of life which is unnatural and unreasonable for an adult. The parole violator is returned to serve his maximum term,²²³ by the irrational use of our instruments of social control we render him uncontrollable.²²⁴

We are wont to distinguish various levels of social interaction that are produced by gestures, verbal communication, imitation, or suggestion. This scheme leaves the mechanism unexplained as far as complex and composite correlations go; it does not tell us anything about functional mutualities in individuals and groups. The study of the doer-sufferer entanglement casts some light on the intricate interplay of stimulation and response,²²⁵

223. In my paper, "Degrees of Parole Violation and Graded Remedial Measures," *American Journal of Criminal Law and Criminology*, Jan.-Feb., 1943, p. 369, I have quoted the unpublished manuscript of No. 16,210 of Colorado State Prison, who depicts the "unsociables" in prison. "Here is bottled up," he writes, "more dynamite in the form of hatred for the law and society than can be readily imagined . . . In this class will be found the parole violators."

224. Victimized society breeds another perpetrator exactly as excommunication has often bred heresy more vocal, more confirmed, and more successful.

225. "Occasionally two defectives are associated in the same sexual offense." Dr. East in Winfield, *op. cit.*, p. 188. The remark holds true in the interrelations of groups and individuals, and groups with groups.

on social traits entering into an antisocial alloy,²²⁶ on means of social control which try to check crime by "reforming" the victim or at least his protective surroundings.²²⁷

The textbook method of simplifying the problem of crime is pedagogically justified. The shortened arrangement of ideas is a help in teaching and learning—a sort of first aid for knowing and treating this or that common ailment of social life. This practical purpose, however, does not free us from the obligation—which may become pressing as crime moves in ebb and flow—of fitting the separate items together, combining the fragments into a living entity and discovering the delicate working of the whole. When this attempt is made, emphasis is seen to shift from the apparent predominance of surrounding forces or congenital traits to a subtler and more evasive pattern of operation. We see the environmental energies and stimulations losing force, direction, and even appearance as soon as they make contact with a living nucleus of reactions endowed with powers of absorption. They overwhelm and carry off a loosely set disposition. This innate disposition may be so powerful as easily to overbalance the average complications of the environment. There are no isolated forces; only the dynamics of correlations. Hence the ambivalence of many factors, the significance of dosage, as in pharmacology, and the weight of endogenous forces in shaping the surrounding world and of exogenous forces in molding the variability of congenital settings.

Many innate qualities are socially ambivalent, as I have tried to show. It is so with physical strength, high intelligence, even loyalty and compassion, or on the other side with moral frigidity, feeble-mindedness of an average degree, and physical handicaps which stimulate the compensatory development of mental achievements. Other factors are ambivalent as well: marriage, family life, country life, immobility. We should not pre-

226. A young man who killed another had been called a "son of a bitch." The Supreme Court of Tennessee said: "Due perhaps to the loss of his mother in his infancy and to his gratitude to his foster-mother, he respected womanhood beyond the average young man, and had a decided antipathy to language of obscene trend or that reflected on womanhood." Supreme Court of Tennessee, 1912. 127 Tenn. 376, 44.

227. ". . . on the occasion of adultery . . . it makes all the difference if the adulteress was properly guarded or not, because if necessary surveillance was lacking the sentence will be mild . . ." Jolly, *Hindu Law and Custom*, p. 278.

scribe the remedy without knowing the peculiar responses, weaknesses, and idiosyncrasies of the patient. The confusion of the picture is further increased by the element of chance.²²⁸ Though we are able in our physical and chemical experiments to exclude the disturbing intervention of fortuitous elements, these are still powerful and unmanageable factors when causative sequences are extended in space and time and the composing elements are too many to be effectively checked.

If this be true, it is obvious that the old controversy which centered around the social or constitutional causation of crime is reduced to narrow limits. I have tried to demonstrate in this book that omnipresent environmental forces frequently produce criminal behavior through disposition-conditioned media: a mental defect, a physical handicap, a tempting vocation (which the individual has entered because it appealed to congenital propensities), or a living tempter, called the victim. The notion of the *agent provocateur* is thus extended to a motley multitude of stimulations: situations and human beings, groups and institutions.

In suggesting that increased attention should be paid to the crime-provocative function of the victim, whether individual or community, I have had certain practical consequences in mind. In most crimes the perpetrator is hidden, the victim—dead or alive—available. With a thorough knowledge of the interrelations between doer and sufferer new approaches to the detection of crime will be opened. The potentialities of crime prevention will experience a vast expansion. Crime will become a problem of dynamics, and we will build our systems of treatment and prevention around the most seizable and workable of the causative forces.

228. I have discussed the problem of crime and chance in the final chapter of my book, *Crime: Causes and Conditions*.

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